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Agenda item 118
**Programme budget for the biennium 2008-2009**

# Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

## Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/62/538/Add.2). During its consideration of the matter, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The report of the Secretary-General was submitted in response to paragraph 11 of General Assembly resolution 61/262, in which the Assembly requested the Secretary-General to report on options for designing pension schemes for the members of the International Court of Justice and the judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, including defined-benefit and defined-contribution schemes, taking into account the possibility of calculating pensions on the basis of the number of years served rather than the term of office.

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3. The Advisory Committee notes that the Secretary-General has proposed essentially only one option and that he has relied on a consultant, rather than seeking the expertise available within the Organization. In the view of the Committee, the advice of the International Civil Service Commission and the United Nations Joint Staff Pension Fund would have been helpful in developing options.

4. Under the current arrangements, the pension scheme for members of the International Court of Justice is non-contributory. The retirement age is 60 years. With effect from 1 January 2001, the pension of members of the Court is calculated at one half (50 per cent) of the final annual salary for members who complete a full nine-year term; a proportional reduction is made in respect of members who complete less than a full nine-year term. For members serving in office as at 31 December 1998, who have been or are re-elected for service beyond a full nine-year term, an additional one three-hundredth of the annual pension benefit for each additional month of service in excess of nine years is granted up to a combined maximum pension of no more than two thirds (66.67 per cent) of the final annual salary.

5. The pension scheme for judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, under the current arrangements, is similarly non-contributory. The retirement age is 60 years. With effect from 1 January 2001, the pension benefits of judges of the Tribunals are calculated at two ninths (22.22 per cent) of the final annual salary for judges who complete a full four-year term; a proportional reduction is made in respect of judges who complete at least three years of service but less than a full four-year term. For judges who are re-elected for service beyond a full four-year term, an additional one one-hundred-and-thirty-third of the pension benefit for each additional month of service is granted up to a combined maximum pension of no more than eight twenty-sevenths (29.63 per cent) of the final annual salary.

6. The following example illustrates how the retirement benefits of members of the International Court of Justice and judges of the Tribunals, who came on board prior to 1 January 2001 can be estimated in terms of United States dollars based on the provisions outlined in paragraphs 3 and 4 above, assuming that the final annual salary is $170,080 for members of the International Court of Justice and judges of the Tribunals:

(a) The retirement pension for members of the International Court of Justice, upon completion of a full nine-year term, would amount to $85,040 (i.e., 50 per cent of the final annual salary). A combined maximum retirement pension for members of the Court upon completion of two full nine-year terms, i.e., a total of 18 years, may not exceed $113,400 (66.67 per cent of the final annual salary);

(b) The retirement pension for judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda who came on board prior to 1 January 2001, would, upon completion of a full four-year term, amount to $37,792 (i.e., 22.22 per cent of the final annual salary). A combined maximum retirement pension for judges of the Tribunals who are re-elected for service beyond a full four-year term may not exceed $50,395 (i.e., 29.63 per cent of the final annual salary).

7. As indicated in paragraph 11 of the report of the Secretary-General (A/62/538/Add.2), on the occasion of the comprehensive reviews of the conditions

of service and the pension benefits of the judges undertaken in 2001 and 2006, the Secretary-General shared the concerns expressed by the two Tribunals that the existing disparity between the pension benefits of the judges of the Tribunals and the judges of the International Court of Justice results in discrimination against the judges of the Tribunals not warranted by the statutes of the Tribunals.

8. The Secretary-General indicates that, in compliance with the request of the General Assembly contained in paragraph 11 of its resolution 61/262, he sought the advice of a consulting firm and commissioned a study on options for designing pension schemes, including defined-benefit and defined-contribution schemes, taking into account the possibility of calculating pensions on the basis of the number of years served rather than the term of office (A/62/538/Add.2, para. 13). The Secretary-General concludes that the study conducted by the consultants corroborates in technical terms most of the provisions provided for in the current respective pension schemes approved by the General Assembly for the members of the International Court of Justice and the judges of the International Tribunals (ibid., para. 17). Furthermore, the Secretary-General expresses the view that the current level of pension for sitting members of the Court and judges of the Tribunals, and for those judges and their dependants who are currently receiving pensions, should not be diminished (ibid., para. 18).

9. On 3 April 2008, the General Assembly approved the annual remuneration of members of the Court and judges of the Tribunals at a base salary of $158,000 plus post adjustment. The Secretary-General indicates that it appears appropriate that the Assembly should take note of the reduction in the annual base salary and its effect on the calculation of pensions, and propose a transitional measure or a method of calculation that would, in its view, be appropriate under such circumstances (A/62/538/Add.2, para. 20).

10. With respect to the International Court of Justice, the Secretary-General proposes the following (see A/62/538/Add.2, para. 27):

(a) The pension scheme for the members of the International Court of Justice should remain a defined-benefit scheme;

(b) The pension scheme should remain non-contributory;

(c) The retirement benefit of the members of the International Court of Justice should continue to be correlated to salaries, as are judicial and other pensions, and should be defined as being equal to 55 per cent of the annual net base salary (excluding post adjustment) by reference to nine years of service;

(d) The level of pension should be determined by reference to years of service rather than a term of office;

(e) A member of the International Court of Justice who is re-elected should receive one three-hundredth of his or her retirement benefit for each further month of service, up to a maximum pension of three fourths of annual net base salary (excluding post adjustment);

(f) The retirement age should remain at 60 years of age;

(g) The actuarial reduction factor, at a rate of 0.5 per cent per month, should continue to be applied in the case of early retirement prior to age 60;

(h) The level of the retirement benefit should be adjusted on the occasion of increases in the annual net base salary of the members of the International Court of Justice;

(i) Pensions in payment should also be adjusted on the occasion of increases in the annual net base salary of the members of the International Court of Justice.

11. **The Advisory Committee recommends approval of the Secretary-General's proposals as reproduced in paragraphs 10 (a), (b), (d), (f), (g), (h) and (i) above.**

12. As regards paragraph 10 (c) above, the Advisory Committee recognizes that that proposal is intended to avoid a decrease in pension entitlements. At the current level of the calculation (50 per cent of annual base salary), pension benefits would be decreased as a result of the fact that the General Assembly has changed the base on which pensions are calculated from $170,080 to $158,000. **While the Advisory Committee shares the Secretary-General's view that the current level of pension for sitting members of the Court and for those judges and their dependants who are currently receiving pensions should not be diminished, it does not agree that it is necessary to increase the base on which pensions are calculated from 50 per cent to 55 per cent. The Committee instead recommends that the retirement benefit of the members of the International Court of Justice should continue to be based on salaries and should be 50 per cent of the annual net base salary (excluding post adjustment), or $85,040, whichever amount is higher, by reference to nine years of service.** The Committee points out that future consolidation of post adjustment multiplier points into base salary will eventually increase the base on which the pensions are calculated. It also points out that under the current arrangements, a member of the International Court of Justice who is re-elected is entitled to receive one three-hundredth of his or her retirement benefit for each further month of service beyond nine years.

13. **With regard to the proposal to increase the maximum pension from two thirds to three fourths of annual base salary (see para. 10 (e) above), the Advisory Committee is of the view that the current level of the maximum pension set at two thirds of annual base salary provides adequate recognition of service beyond the nine years, especially taking into account the fact that the pension schemes for members of the International Court of Justice are non-contributory. The Committee recommends, accordingly, that a member of the International Court of Justice who is re-elected should receive one three-hundredth of his or her retirement benefit for each further month of service beyond nine years, up to a maximum pension of two thirds of annual net base salary (excluding post adjustment).**

14. With regard to the proposal to maintain the retirement age at 60 years of age (see para. 10 (f) above), the Committee notes that in many countries, serving judges retire at an advanced age. Accordingly, when making proposals in the context of the next review of the conditions of service of the judges, the Secretary-General may wish to consider the issue of raising the age of retirement.

15. With respect to the International Tribunals, the Secretary-General proposes the following (see A/62/538/Add.2, para. 27):

(a) The pension scheme for the judges of the International Tribunal for the Former Yugoslavia and the judges of the International Criminal Tribunal for Rwanda should remain a defined-benefit scheme;

(b) The pension scheme should remain non-contributory;

(c) The retirement benefit of the judges of the Tribunals should continue to be correlated to salaries, as are judicial and other pensions, and should be defined as being equal to 55 per cent of the annual net base salary (excluding post adjustment), assuming completion of a period of service of nine years;

(d) The level of pension should be determined by reference to years of service rather than a term of office;

(e) A judge of the International Tribunal for the Former Yugoslavia or of the International Criminal Tribunal for Rwanda who has been or will be re-elected or extended for any subsequent term will receive a retirement benefit for each further month of service, by reference to the proportion of annual pension which the number of months of his or her service bears to 108 months;

(f) A judge of the International Tribunal for the Former Yugoslavia or of the International Criminal Tribunal for Rwanda who has been or will be re-elected should receive one three-hundredth of his or her retirement benefit for each further month of service, up to a maximum pension of three fourths of annual net base salary (excluding post adjustment);

(g) The retirement age should remain at 60 years of age;

(h) The actuarial reduction factor, at a rate of 0.5 per cent per month, should continue to be applied in the case of early retirement prior to age 60;

(i) The level of the retirement benefit should be adjusted on the occasion of increases in the annual net base salary of the judges of the Tribunals;

(j) Pensions in payment should also be adjusted on the occasion of increases in the annual net base salary of the judges of the Tribunals.

16. **The Advisory Committee recommends approval of the Secretary-General's proposals as reproduced in paragraphs 15 (a), (b), (d), (e), (g), (h), (i) and (j) above.**

17. **In line with its recommendations on the International Court of Justice (see paras. 12 and 13 above), the Advisory Committee recommends that the retirement benefit of the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda should continue to be based on salaries and should be 50 per cent of the annual net base salary (excluding post adjustment), or $85,040, whichever amount is higher, assuming completion of a period of service of nine years. The Committee also recommends that a judge of the International Tribunal for the Former Yugoslavia or of the International Criminal Tribunal for Rwanda who has been or will be re-elected should receive one three-hundredth of his or her retirement benefit for each further month of service beyond nine years of**

**service, up to a maximum pension of two thirds of annual net base salary (excluding post adjustment).**

18. The Advisory Committee was informed, upon enquiry, that the financial implications of the Secretary-General's proposals reflected in the table that follows paragraph 29 of his report (A/62/538/Add.2) should be updated as follows:

(a) *International Court of Justice*. In the light of the recent decision of the General Assembly on the re-election of some judges whose current terms of office expire on 5 February 2009, only three judges are retiring. Accordingly, the financial implications in respect of the International Court of Justice for the biennium 2008-2009 are revised from $8,800 to $6,300. The biennial requirements subsequent to the biennium 2008-2009 are estimated at $82,000, assuming that all sitting judges would retire at the end of their current tenure;

(b) *International Tribunal for the Former Yugoslavia and International Criminal Tribunal for Rwanda*. The Security Council, in its resolutions 1824 (2008) and 1837 (2008) related to, respectively, the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, extended the terms of office of the judges concerned of the two Tribunals in order to enhance the effectiveness of trial proceedings and contribute towards ensuring the implementation of the respective completion strategies. According to the Secretariat, on the basis of the latest information, there would be no financial implications for the biennium 2008-2009 resulting from the proposals of the Secretary-General pertaining to the two Tribunals. At present, the financial implications beyond 2009 for both Tribunals are estimated at $1,135,500 per biennium for the International Tribunal for the Former Yugoslavia and $918,200 per biennium for the International Criminal Tribunal for Rwanda and are based on the assumption that all current judges would have retired by the end of December 2010.

19. **The Advisory Committee points out that, should the General Assembly approve the observations and recommendations of the Committee set out above, there would be consequential reductions in the financial implications. Accordingly, the Committee recommends that the Secretary-General provide the Assembly with revised estimates of programme budget implications for 2008-2009 that would result from the changes in the pension scheme for the members of the International Court of Justice as recommended by the Committee. The related resource requirements should be reflected in the context of the relevant performance report for the biennium 2008-2009.**

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Agenda items 15 and 16

The situation in the Middle East

Question of Palestine

Security Council
Sixty-third year

## Letter dated 24 November 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

In my capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, I have the honour to enclose herewith the communiqué on the situation in the Occupied Palestinian Territory, including East Jerusalem, adopted by the Coordinating Bureau of the Non-Aligned Movement on 20 November 2008 (see annex).

I request that you kindly circulate the above-mentioned communiqué as a document of the General Assembly, under agenda items 15 and 16, and of the Security Council.

(*Signed*) Ileana **Núñez Mordoche**
Ambassador
Charge d'affaires a.i. of the Permanent Mission of Cuba
to the United Nations
Chair of the Coordinating Bureau of the Non-Aligned Movement

08-62431 (E) 021208

## Annex to the letter dated 24 November 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

## Communiqué on the situation in the Occupied Palestinian Territory, including East Jerusalem, adopted by the Coordinating Bureau of the Non-Aligned Movement on 20 November 2008

The Coordinating Bureau of the Non-Aligned Movement met in New York at United Nations Headquarters on 12 November 2008 and considered, inter alia, the situation in the Occupied Palestinian Territory, including East Jerusalem.

The members of the Non-Aligned Movement (NAM) express their serious concerns regarding the deterioration of the situation on the ground and the extensive hardships being endured by the Palestinian people as a result of ongoing violations of international law, including humanitarian and human rights law, by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem. NAM also expresses concern at the lack of progress made in the peace process in the year that has passed since the Annapolis Conference, which generated momentum and high expectations for advancement of the process towards the achievement of a just, lasting and peaceful resolution of the question of Palestine, the core of the Arab-Israeli conflict.

NAM expresses grave concern about Israel's continued use of military force against the Palestinian civilian population in the Occupied Palestinian Territory, which continues to cause death and injury to civilians, including children, and destruction to Palestinian property and infrastructure, as well as its continued collective punishment of the Palestinian people by measures that constitute grave breaches of international humanitarian law, violate virtually all of the human rights of the Palestinian people, and continue to devastate socio-economic conditions.

NAM expresses particular concern about the dire humanitarian crisis in the Gaza Strip and reiterates its call for the immediate lifting of Israel's inhumane closure and siege of Gaza, by which it continues to obstruct the movement of persons and goods, including food, medical, fuel and other essential supplies. In addition, NAM calls again on the occupying Power to remove the hundreds of checkpoints and obstacles that are restricting freedom of movement in the West Bank, causing serious damage to the Palestinian economy and severely undermining the Territory's contiguity and integrity.

NAM also expresses grave concern about Israel's continuing settlement campaign in the Occupied Palestinian Territory, especially in and around East Jerusalem. In grave violation of international law and its commitments in the peace process, Israel continues and has accelerated its confiscation of Palestinian land, construction and expansion of settlements and the Wall and its transfer of Israeli settlers to the Occupied Palestinian Territory. NAM condemns Israel's illegal settlement activities, which are undermining the peace proce and seriously threatening the viability of the two-State solution of Palestine and Israel living side by side in peace and security, and reiterates the call for their immediate cessation. NAM also expresses its alarm at the rising incidence of Israeli settler violence, harassment and intimidation against Palestinian civilians and their properties and calls upon the occupying Power to take all necessary measures to bring an end to the

settler violence and lawlessness and to hold the perpetrators of crimes against Palestinian civilians accountable for their actions.

In the light of this critical situation on the ground and lack of progress in the peace process, NAM urges all concerned parties, including the Quartet, to exert the necessary efforts to bring a halt to Israel's illegal practices, including its settlement activities and collective punishment measures, in order to stem the deterioration of the situation, alleviate the humanitarian crisis being faced by the Palestinian people, and create conditions on the ground that are conducive to the advancement of the peace process and its ultimate success.

NAM stresses that the current transitional period is also a fragile period in which the international community, including the Security Council, must not remain complacent and must be active in shouldering its legal, political and moral responsibilities vis-a-vis the question of Palestine and redoubling its commitment and efforts in support of the peace process negotiations towards the achievement of a just and lasting peace settlement, including a just solution for the plight of the Palestine refugees.

Finally, on the forthcoming occasion of the International Day of Solidarity with the Palestine People and on the occasion of the commemoration by the Palestinian people of the twentieth anniversary of their Declaration of Independence on 15 November, NAM takes this opportunity to reaffirm its unwavering support for and solidarity with the Palestinian people and their just cause. NAM further reaffirms its long-standing principled positions calling, inter alia, for an end to the Israeli occupation of the Palestinian and other Arab lands occupied since 1967, the realization by the Palestinian people of their right to self-determination, the establishment of their independent State of Palestine with East Jerusalem as its capital, and the achievement of a just, lasting and comprehensive peace in the Middle East.

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The situation in the Middle East

Question of Palestine

Security Council
Sixty-third year

# Identical letters dated 25 November 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith a letter addressed to H.E. Ban Ki-moon, Secretary-General of the United Nations, from H.E. Walid Al-Moualem, Minister for Foreign Affairs of the Syrian Arab Republic, regarding the severe humanitarian situation in Gaza (see annex).

I would highly appreciate it if the present letter and its annex were circulated as a document of the General Assembly, under agenda items 15 and 16, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

08-62474 (E) 011208 021208

## Annex to the identical letters dated 25 November 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

Israel is continuing to carry out its policy of aggression, blockade and starvation against the Palestinian people in the Gaza Strip in grave violation of international law, conventions and principles. In view of the escalating humanitarian tragedy that is taking place in the Gaza Strip as a consequence of the oppressive Israeli blockade, I have been charged by Mr. Bashar Al-Assad, President of the Syrian Arab Republic in his capacity as Chairman of the Arab Summit, to write to you concerning the assumption by the Organization of its responsibility to prevail on Israel to desist immediately from its immoral and inhuman practices which are a clear violation of international law and principles.

The blockade imposed by Israel on the Gaza Strip and the total closure of all crossing points have led to a grave deterioration of various aspects of life in Gaza, have exacerbated the humanitarian situation and increased the suffering of the Palestinians as a consequence of the policy of collective punishment to which they have been subjected, consisting in cutting off the supply of electricity, fuel and drinking water and spreading poverty, hunger and unemployment.

The life of the Palestinians in the Gaza Strip is threatened by this blockade; hospitals use candles for lighting, and flour mills have begun to use birdseed to produce flour for making bread. There is also an acute shortage of food and fuel and as a consequence the lives of hundreds of sick people in the Gaza Strip, particularly children, are in serious jeopardy as a result of the electricity cuts and the lack of basic medicines. To date, 260 people have died as a result of the blockade, including 57 children.

Despite the efforts of the Secretary-General of the United Nations and repeated appeals to the Israeli occupying authorities to cease these practices they have not so far heeded them. Consequently, we look to you to take immediate action to address this humanitarian disaster, which is no less serious than other humanitarian disasters on which the United Nations has taken action, and to exert pressure on Israel to open the crossing points immediately and to allow the entry into the Gaza Strip of medical supplies, food and fuel so that more than one and a half million Palestinians can have access to them.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Walīd **Al-Moualem**
Minister for Foreign Affairs of the Syrian Arab Republic

Damascus, 25 November 2008

United Nations

A/63/573

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**Sixty-third session**
Agenda item 118
**Programme budget for the biennium 2008-2009**

# First performance report on the programme budget for the biennium 2008-2009

## Report of the Secretary-General*

*Summary*

The present report identifies adjustments in the level of appropriations required as a result of variations in costing parameters assumed at the time of the initial appropriation, unforeseen and extraordinary items and additional mandates that are best dealt with in the context of the present report under the arrangements endorsed by the General Assembly at its thirty-second session.

The revised requirements under the expenditure sections amount to $4,388.4 million, an increase of $180.8 million vis-à-vis the appropriation level approved in General Assembly resolutions 62/237 A and 62/245 (or $217 million more than the initial appropriation approved in December 2007). The revised estimate under the income sections amount to $526.9 million, an increase of $6.8 million. Consequently, net requirements amount to $3,861.5 million, an increase of $174.0 million.

* The present report is being issued at this time to reflect the latest data available.

08-62226 (E) 051208

# I. Introduction

1. The primary purpose of the first performance report, which is submitted in the first year of each biennium, is to identify adjustments required because of variations in the rates of inflation and exchange and in standards assumed in the calculation of the initial appropriations. This is in conformity with the recommendation of the Advisory Committee on Administrative and Budgetary Questions,[1] which was endorsed by the General Assembly at its thirty-second session.

2. The performance report also takes into account additional mandates approved by the General Assembly and the Security Council after the approval of the budget appropriation, unforeseen and extraordinary items that could not be deferred to the second year of the biennium and decisions of policymaking organs that are best dealt with in the context of the performance report.

3. A summary of the increased net requirements, totalling $3,861.5 million, follows:

(Thousands of United States dollars)

| | *Appropriation*[a] | *Revised estimate* | *Increase* | |
|---|---|---|---|---|
| | | | *Amount* | *Percentage* |
| Expenditure | 4 207 608.4 | 4 388 402.0 | 180 793.6 | 4.3 |
| Income | 520 077.7 | 526 860.5 | 6 782.8 | 1.3 |
| Net requirements | 3 687 530.7 | 3 861 541.5 | 174 010.8 | 4.7 |

[a] See resolutions 62/237 A and B and 62/245.

4. An explanation of the variations in the costing parameters assumed in the calculation of the initial appropriations is provided in chapter II, sections C to F, below. In addition, the following schedules and annexes provide the costing parameters used in the initial appropriation, the proposed revisions for the biennium 2008-2009 and their effect on budget sections, duty stations and major objects of expenditure:

(a) Schedule 1 contains the rates of exchange and inflation used in the initial appropriations for the biennium 2008-2009 and the rates now proposed in the present report;

(b) Schedule 2 contains information on the post adjustment multipliers used to calculate salaries for staff in the Professional and higher categories used in the initial appropriation, the actual post adjustment multipliers for 2008 promulgated by the International Civil Service Commission and the revised rates now proposed for 2009;

(c) Schedule 3 contains the actual United Nations operational rates of exchange against the United States dollar in effect at the various duty stations for the first 11 months of 2008;

[1] See *Official Records of the General Assembly, Thirty-second Session, Supplement No. 8* and corrigendum (A/32/8 and Corr.1).

(d) Schedule 4 contains information on the cost-of-living adjustments for staff in the General Service and related categories assumed in calculating the initial appropriation for the biennium 2008-2009, the adjustments actually effected in 2008 and revised assumptions for 2009;

(e) Annex I.A contains projected changes in the budget estimates by budget section and main determining factor;

(f) Annex I.B contains estimated additional requirements by duty station and main determining factor;

(g) Annex II contains the estimated increases or decreases in requirements by budget section and main object of expenditure;

(h) Annex III contains estimated increases or decreases in requirements for jointly financed activities and inter-organizational security measures by main determining factor;

(i) Annex IV contains the status of expenditures incurred under the regular budget for the biennium 2008-2009 as at 31 October 2008.

## II. Expenditure sections

5. The changes required as a result of the factors mentioned above would yield an increase in expenditure of $180,793,600 for a total of $4,388,402,000 for the biennium. Details are as follows:

(Thousands of United States dollars)

| | | |
|---|---|---|
| Initial appropriation | 4 171 359.7 | General Assembly resolution 62/237 A |
| Additional appropriation | 36 248.7 | General Assembly resolution 62/245 |
| Programme budget appropriation: | 4 207 608.4 | |
| (a) Unforeseen and extraordinary expenses | 1 359.2 | In respect of peace and security, the International Court of Justice and inter-organizational security measures in accordance with resolution 62/239 |
| (b) Decisions of policymaking organs: | | |
| Economic Commission for Africa Commitment Authority | — | Section IX of General Assembly resolution 62/238. See paragraphs 11-13 of the present report. |
| (c) Variations in budgetary assumptions | | |
| Changes in exchange rates | 63 015.0 | Based on United Nations operational rates of exchange |
| Changes in inflation assumptions | 103 819.2 | Based on consumer price indices, post adjustment multipliers promulgated and actual versus budgeted cost-of-living adjustments |
| Adjustments to standard costs | 6 620.3 | Based on analysis of actual payroll data, common staff costs and staff assessment provisions |
| Vacancies | 5 979.9 | |
| **Revised total** | **4 388 402.0** | |

6. In the context of the current session of the General Assembly, the Secretary-General has issued or is about to issue revised estimates and statements of programme budget implications in response to draft resolutions considered by the Main Committees. These amounts are being handled outside the first performance report but will be revised to reflect the costing parameters approved by the Assembly in the context of its consideration of the present report and, subject to the decisions of the Assembly, will affect the level of the revised appropriation.

## A. Unforeseen and extraordinary expenses (increase: $1,359,200)

7. Under the terms of General Assembly resolution 62/239 on unforeseen and extraordinary expenses for the biennium 2008-2009, the Secretary-General is authorized, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, to enter into commitments to meet unforeseen and extraordinary expenses, provided that the concurrence of the Advisory Committee shall not be necessary for such commitments not exceeding a total of $8 million in any one year as the Secretary-General certifies relate to the maintenance of peace and security; such commitments as the President of the International Court of Justice certifies relate to expenses occasioned by a number of situations in the Court as prescribed in paragraph 1 (b) of the resolution; and such commitments not exceeding a total of $1 million as the Secretary-General certifies are required for security measures.

8. Under the provisions of the resolution, commitments in the amount of $1,359,200 have been entered into as follows:

(a) Commitments certified by the Secretary-General as relating to the maintenance of peace and security ($1,159,200);

(b) Commitments certified by the President of the International Court of Justice as relating to unforeseen expenses in respect of the Court ($200,000).

9. Those expenses relate to budget sections 3, 5 and 7, as set out below.

### 1. Maintenance of peace and security ($1,159,200)

(United States dollars)

| | |
|---|---|
| **Section 3. Political affairs** | |
| Special Envoy of the Secretary-General to the Niger | 390 700 |
| United Nations mediation on the border dispute between Equatorial Guinea and Gabon | 148 100 |
| Lebanon Independent Border Assessment Team | 90 300 |
| Department of Political Affairs/Office of Legal Affairs joint mission to Gabon and Equatorial Guinea | 83 500 |
| **Subtotal** | **712 600** |
| **Section 5. Peacekeeping operations** | |
| African Union-United Nations Panel established pursuant to Security Council resolution 1809 (2008) | 446 600 |
| **Subtotal** | **446 600** |
| **Total, maintenance of peace and security** | **1 159 200** |

### 2. Unforeseen expenses relating to the International Court of Justice ($200,000)

**Section 7. International Court of Justice ($200,000)**

10. Pursuant to the provisions of paragraph 1 (b) (i) of General Assembly resolution 62/239 on unforeseen and extraordinary expenses for the biennium 2008-2009 and in accordance with the Statute of the International Court of Justice, commitments were entered into for additional requirements that arose in 2008 with respect to the designation of ad hoc judges (Statute of the International Court of Justice, Article 31) for the following cases:

(United States dollars)

| | |
|---|---|
| Designation of ad hoc judges | |
| Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia) | 80 000 |
| Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France) | 120 000 |
| **Total** | **200 000** |

## B. Decisions of policymaking organs

**Construction of additional office facilities at the Economic Commission for Africa**

**Section 32, Construction, alteration, improvement and major maintenance ($1,090,000)**
**Section 33, Safety and security ($759,800)**
**Section 35, Staff assessment ($86,600)**

11. By its resolutions 56/270 and 60/248, the General Assembly approved the construction of additional office facilities at the headquarters of the Economic Commission for Africa (ECA) in Addis Ababa at a total estimated project cost of $11,383,300. In accordance with the request of the General Assembly in resolution 60/248, the Secretary-General in his report on construction of additional office facilities at the ECA (A/62/487) provided information on the progress made in the implementation of the project since the issuance of his previous report (A/61/158). Further in paragraphs 15 (a) and (b), the Secretary-General sought approval of the revised project estimate of $14,333,100 and the authority to enter into commitments in the amount of $1,936,400 gross ($1,849,800 net) under section 32 ($1,090,000), section 33 ($759,800) and section 35 ($86,600) of the proposed programme budget for the biennium 2008-2009, offset by an equivalent amount under income section 1, to be reported, as necessary, in the context of the first performance report for the programme budget for the biennium 2008-2009.

12. In its related report (A/62/7/Add.11), the Advisory Committee on Administrative and Budgetary Questions recommended that the General Assembly approve the course of action proposed in paragraphs 15 (a) and (b) of the report of the Secretary-General on the construction of additional office facilities at the ECA. In its resolution 62/238, the General Assembly took note of the report of the Secretary-General and endorsed the related observations and recommendations of the Advisory Committee in its report.

13. It should be noted that owing to delays in the implementation of the project and the utilization of the commitment authority in the amount of $1,936,400 gross ($1,849,800 net), it is proposed to report the requirements arising from the commitment authority in the context of the second performance report for the biennium 2008-2009.

## C. Changes in exchange rates (increase: $63,015,000)

14. The basis for recosting can be either the average operational rates of exchange experienced thus far in the biennium (the averaging method) or the operational rates in effect at the time of recosting (the latest rate). It will be recalled that, in its report on the accounts of the United Nations for the biennium ended 31 December 1995, the Board of Auditors recommended that budgetary assumptions relating to operational exchange rates be based on an averaging method instead of the latest available exchange rates.[2] However, the Secretary-General had indicated that it would not be advisable to predetermine whether the averaging method or the latest month should be used for budget forecasting and recosting and that such a decision should be taken at the time of each recosting. This was reported to the General Assembly and agreed to by the Advisory Committee on Administrative and Budgetary Questions,[3] which indicated that the Secretary-General should use such rates as would allow for the lowest estimates. In the present performance report, the exchange rate realized from January to November 2008 has been applied to 2008 and the November rate has been applied to December 2008. For 2009, the average operational rates of exchange experienced thus far in the biennium (the averaging method) has been applied for Port-of-Spain and Beirut and the November rate (the latest rate) has been applied for the rest of the duty stations so as to allow for the lowest estimate for each duty station in respect of requirements for the related currency. Adjustments resulting from actual experience in 2009 would be implemented in the second performance report.

15. The net increase of $63 million reflects the general weakening of the United States dollar in a number of operational rates experienced during the year to date as compared with those foreseen in the initial appropriation. The average rate experienced for 2008 based on January to November actual rates in respect of the Swiss franc was SWF 1.079 to the dollar, compared with an assumption of SWF 1.200 used in the initial appropriation. For 2009, the November rate of SWF 1.140 has been used in the performance report. This change has resulted in an increased requirement of $71.2 million. Figure I reflects the experience of the Swiss franc against the dollar from January to November 2008.

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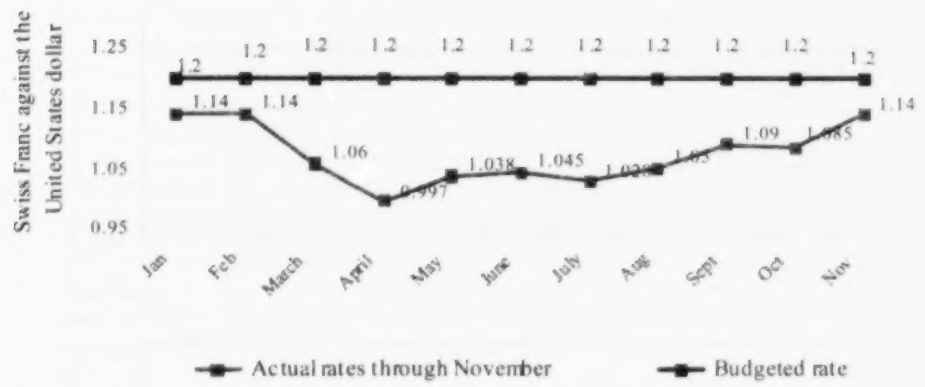
[2] Ibid., *Fifty-first Session, Supplement No. 5* (A/51/5), vol. I and corrigendum (A/51/5/Corr.1), chap. II, para. 110.

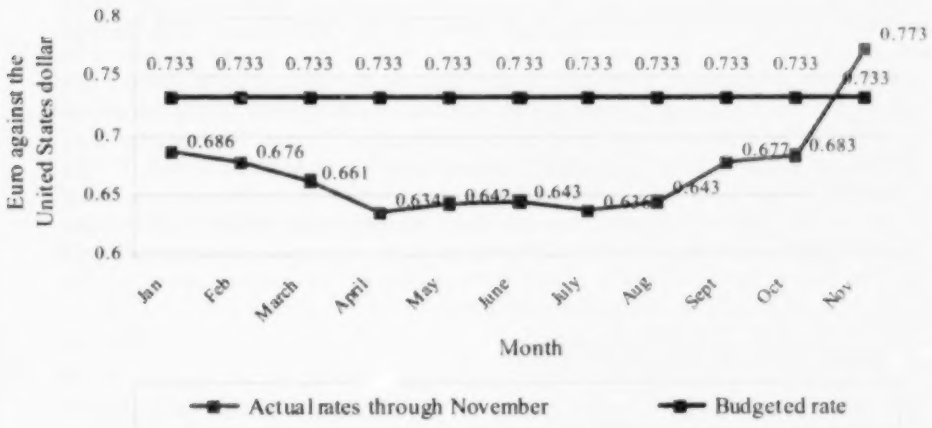
[3] Ibid., *Supplement No. 7* (A/51/7/Add.1-9), document A/51/7/Add.6, para. 5.

Figure 1
**Performance of the Swiss franc against the United States dollar, 2008**



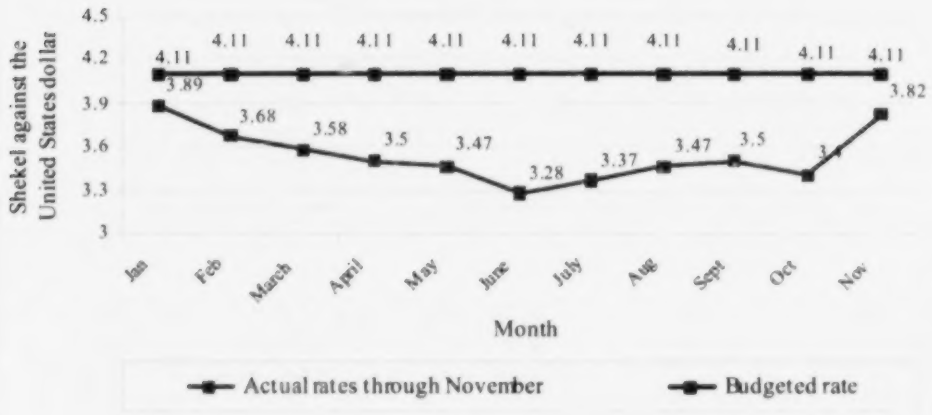

16. With respect to the euro, the realized 2008 average is €0.677 to the dollar, compared with an assumption of €0.733 used in the initial appropriation. For 2009, the November rate €0.773 has been used in the performance report, which has resulted in an increased requirement of $3.5 million. Figure 2 reflects the experience of the euro during the period from January to November 2008.

Figure 2
**Performance of the euro against the United States dollar, 2008**



17. With respect to the shekel, the realized 2008 average is 3.565 to the dollar, compared with an assumption of 4.11 used in the initial appropriation. For 2009, the November rate of 3.82 has been used in the performance report, which has resulted in an increase in requirements of $13 million. Figure 3 reflects the experience of the shekel during the period from January to November 2008.

Figure 3
**Performance of the shekel against the United States dollar, 2008**




18. In addition to the adjustments required for the Swiss franc, the euro and the shekel, increased requirements also relate to the Thai baht ($1.2 million), while a net reduction of approximately $26 million applies to all other currencies combined. Total net reduction of $26 million relates broadly to the Kenya Shilling ($9.1 million), the Chilean peso ($7.8 million) and the Ethiopian birr ($6.9 million). Owing to the recent appreciation of the United States dollar vis-à-vis other currencies, the November rate (the latest rate) has been applied for 2009 so as to allow for the lowest estimate in respect of requirements in accordance with established methodology. It should be noted that had the realized 2008 average rate been applied in the present recosting, the requirements as a result of adjustments to the rates of exchange would have been significantly higher. Details regarding operational rates at all duty stations are included in schedules 1 and 3. The schedules provide the actual operational rates through November 2008, the rate used in the initial appropriation and the rate used in the present report. Adjustments resulting from actual experience in 2009 will be reflected in the second performance report.

## D. Inflation (increase: $103,819,200)

19. Schedules 1, 2 and 4 reflect revised inflation rates that affect all objects of expenditure. These are based on post adjustment multipliers that have been

promulgated and the latest available information on consumer price indices and actual versus budgeted cost-of-living adjustments.

20. Revised post adjustment multipliers used in the present report take into account updated cost-of-living information, including place-to-place surveys carried out or implemented subsequent to the approval of the programme budget for the biennium 2008-2009 in December 2007. Multiplier changes include adjustments of $22.3 million for New York, $10.2 million for Addis Ababa, $6.8 million for Nairobi, $2.7 million for Santiago, $2.3 million for Lebanon and $1.8 million for Bangkok. These amounts are offset by net downward revisions of $2.2 million for other duty stations. Consequently, the total net requirements arising from adjustments for inflation related to Professional posts across all duty stations amount to $43,897,000. Post adjustment multipliers applicable to the Professional and higher categories for all duty stations are contained in schedule 2.

21. With regard to the General Service and related categories, the revised requirements reflect actual cost-of-living adjustments experienced in 2008 and projections for 2009 based on the latest available information. The total required adjustment of $9,709,600 largely reflects adjustments of $7.3 million for New York, $2.8 million for Bangkok and $2.2 million for Addis Ababa, effective 1 August 2008, 1 February 2008 and 1 January 2008, respectively. These amounts are offset by net downward revisions of $2.7 million for other duty stations. The cost-of-living adjustments for staff in the General Service and related categories for all duty station are contained in schedule 4.

22. With regard to non-post objects of expenditure, the revised rates reflect upward adjustments across all duty stations, reflecting inflationary pressure driven largely by increases in local energy prices and utilities. Revised rates applicable to non-post objects of expenditure require an adjustment of $15 million for New York, $11 million for Addis Ababa and $4.5 million for Geneva. The total net increase in inflation requirements of $43,033,000 relates to all non-post objects of expenditure across all duty stations.

23. The total additional appropriation arising as a result of inflationary pressure across all objects of expenditure amounts to $103,819,200, including staff assessment requirements of $7,179,600, which would be offset by an equivalent amount under income section 1, Income from staff assessment.

## E. Adjustments to standard costs (increase: $6,620,300)

24. Adjustments to standard costs reflect the net effect of changes in standard salary costs, common staff costs and staff assessment rates. Revisions to standard salary costs for 2008 are based on the actual averages experienced thus far in the biennium, by category and level, at each duty station. Projections for 2009 are based on the trends experienced in 2008. A net decrease of $7.6 million reflects average net base salary costs that are lower than had been projected in the initial appropriation.

25. Common staff costs are budgeted as a percentage of net salaries for each duty station. Expenditures under common staff costs relate to allowances and benefits, appointments, transfers and separation of staff. These relate to actual payroll experience for all duty stations during the biennium 2006-2007. Recommendations

of the International Civil Service Commission with regard to hazard pay and education grant have been absorbed within these overall adjustments, consistent with established practice in this regard. A net increase of $14.2 million relating to adjustments to the rates of common staff costs with respect to all duty stations is anticipated.

26. The adjustments to standard costs indicated above include staff assessment changes resulting in an increase in expenditures of $4.3 million, offset by an equivalent amount under income section 1.

## F. Vacancies (increase: $5,979,900)

27. In its resolution 62/236, the General Assembly decided that a vacancy rate of 6.5 per cent for Professional and 3.5 per cent for General Service posts should be used as a basis for the calculation of the budget for the biennium 2008-2009. The application of these rates to continuing posts, together with the rates applied to new posts (50 per cent for Professional posts and 35 per cent for General Service posts), results in effective budgeted rates of 8.2 per cent and 4 per cent for those categories, respectively. Although the overall realized average vacancy rates can be known only at the end of the biennium, the experience to date reflects realized vacancy rates of 8.6 per cent for Professional posts and 3.2 per cent for General Service posts. While vacancy rates realized to date for Professionals slightly exceed those budgeted, a month-by-month analysis reflects a steady downward trend during 2008. Professional vacancy rates have trended downward, decreasing from 9.6 per cent in January to 7.2 per cent in September. General Service vacancy rates have also trended downward, declining from 3.5 per cent in January to 3.2 per cent in September with the average below the budgeted rate. Given the downward trend, and taking into account the experience of previous bienniums, a further reduction in realized vacancy rates is to be expected over the course of the second year of the biennium. Should this materialize, overall realized vacancy rates for the biennium may prove to be below those budgeted. This could result in expenditure requirements for posts exceeding budgeted provisions. However, at this time, no adjustments for vacancy rates for Professional and General Service posts have been proposed in the present report. The situation will continue to be monitored and will be reported in the context of the second performance report.

28. With regard to field security staff, in its resolution 62/236, the General Assembly decided that a vacancy rate of 27.2 per cent should be used as a basis for the calculation of the budget for the biennium 2008-2009. Although the overall realized average vacancy rates can be known only at the end of the biennium, the experience to date reflects realized vacancy rates of 5.3 per cent for Professional posts and 13.9 per cent for General Service posts. The adjustments to the 2008-2009 vacancy rates for field security staff would result in additional requirements of $25.5 million to be cost shared with other United Nations system organizations under the cost-sharing formula decided upon by the United Nations System Chief Executives Board for Coordination. Based on the current ratios as reflected in the annex to the report of the Secretary-General on "Measures taken to ensure the effective implementation of the arrangements in place for the sharing of costs for safety and security across the United Nations system" (A/62/641), the United Nations share would amount to $6 million, or 23.79 per cent of the additional requirements.

## G. Other issues

29. In this section, specific issues raised in General Assembly resolutions and matters raised in accordance with established practices and procedures are addressed.

### 1. Human rights

#### (a) Measure to improve the geographical distribution of the Office of the United Nations High Commissioner for Human Rights

30. In paragraph 98 of its resolution 62/236, the General Assembly requested the Secretary-General to implement urgent measures to improve the balance in the geographical distribution in the Office of the United Nations High Commissioner for Human Rights (OHCHR), including through recruitment for newly established posts, and to report on the results achieved at its sixty-third session under the relevant agenda item.

31. Pursuant to that request, the Secretary-General has submitted a report on the measures to improve the balance in the geographical distribution of the staff in OHCHR (A/63/204), currently before the General Assembly under agenda item 123, Human resources. Further, it should be noted that under the same agenda item, the Assembly has before it four additional reports, namely, (i) on the composition of the staff of OHCHR (A/63/290); (ii) on measures to address the imbalance in the geographical distribution of the staff in OHCHR (A/61/823); (iii) the report of the Joint Inspection Unit on funding and staffing of OHCHR (A/62/845); and (iv) the comments by the Secretary-General on that report (A/62/845/Add.1).

#### (b) Subregional Centre for Human Rights and Democracy in Central Africa

32. In its resolution 62/221, the General Assembly requested the Secretary-General and the United Nations High Commissioner for Human Rights to provide additional funds and human resources within the existing resources of OHCHR to enable the Centre to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy and the rule of law in the Central African subregion; and to report on the implementation of resolution 62/221.

33. It should be noted that in response to the request in that resolution, an additional provision totalling $520,100 was made in the context of the programme budget for the biennium 2008-2009, consisting of increased requirements under posts ($381,100) relating to the establishment of two posts (1 P-3 post and 1 General Service (Local level) post) and the conversion of three General Service (Local level) posts and one National Officer post, as well as increased non-post requirements ($139,000). The post and non-post resources are accommodated within the resources approved under section 23, Human rights, of the programme budget for the biennium 2008-2009.

34. The overall level of resources approved for the Centre under section 23, Human rights, of the programme budget for the biennium 2008-2009 amounts to $1,996,500. Of that amount, resources totalling $1,412,000 provide for the salaries and common staff costs of a total of nine posts (1 P-5, 1 P-4, 2 P-3, 1 National Officer and 4 General Service (Local level) posts). Non-post resources amount to

$584,500. In addition, the Centre is supported by extrabudgetary resources totalling approximately $365,000, as well as two associate experts.

**2. Limited discretion for budgetary implementation authorized in General Assembly resolution 60/283**

**Section 2, General Assembly and Economic and Social Council affairs and conference management (decrease $2,164,600)**
**Section 17, Economic and social development in Africa (increase $215,800)**
**Section 20, Economic and social development in Latin America and the Caribbean (increase $25,500)**
**Section 21, Economic and social development in Western Asia (increase $8,300)**
**Section 23, Human rights (decrease $2,000,000)**
**Section 27, Public information (decrease $1,724,400)**
**Section 28A, Office of the Under-Secretary-General for Management (increase $3,050,300)**
**Section 28C, Office of Human Resources Management (increase $232,400)**
**Section 28D, Office of Central Support Services (increase $1,873,200)**
**Section 28E, Administration, Geneva (increase $21,700)**
**Section 28F, Administration, Vienna (increase $150,300)**
**Section 28G, Administration, Nairobi (increase $311,500)**

35. In section III, paragraph 6, of its resolution 60/283, the General Assembly decided to authorize the Secretary-General, on an experimental basis, limited discretion for budgetary implementation for the bienniums 2006-2007 and 2008-2009, to enter into commitments of up to $20 million in each biennium for positions and non-post requirements for the purpose of meeting the evolving needs of the Organization in attaining its mandated programmes and activities. Amounts in excess of $6 million per biennium require the approval of the Advisory Committee on Administrative and Budgetary Questions pursuant to the provisions of section III, paragraph 8 (g), of the same resolution.

36. During the biennium 2008-2009, such authority has been utilized to address the continued funding of a dedicated project team to maintain the momentum and ensure the progress on major foundation tasks relating to the enterprise resource planning system ($3,484,800); and for the operational preparedness and business continuity in a protracted crisis of human influenza pandemic crisis ($2,422,200). Those requirements have been met through the utilization of potential savings identified under section 2, General Assembly and Economic and Social Council affairs and conference management, section 23, Human rights, and section 27, Public information.

**(a) Influenza pandemic**

37. In response to the potential of the virulent strain of avian influenza known as AH5N1 to cause a human influenza pandemic, the United Nations responded with a coordinated effort to meet the needs of Member States by establishing, in September 2005, a United Nations System Influenza Coordinator, who was tasked with developing and implementing a comprehensive unified strategy for the United Nations system globally on pandemic influenza prevention, preparedness and response, and with improving efforts to control avian influenza. The United Nations system gave renewed attention to its own organizational capacity to sustain

operations and protect staff in the event of a major and protracted pandemic influenza crisis by ensuring that viable business continuity and staff protection plans are in place.

38. At United Nations headquarters locations and the regional commissions, avian and human influenza coordinators or focal points were appointed to ensure that all duty stations completed pandemic crisis preparedness plans. The preparedness activities, which were validated through an external review, included (a) activities to maintain the continuity of critical United Nations functions and operations; (b) medical intervention and prevention; and (c) preparatory activities (capacity-building and training).

39. Resource requirements for these activities for the biennium 2006-2007 were met through the use of limited discretion for budget implementation provided for in resolution 60/283 and were reported in the context of the second performance report for the biennium 2006-2007 (see A/62/575, paras. 33-36).

40. In his report on revised estimates for the biennium 2008-2009 relating to the operational preparedness and business continuity in a protracted human influenza pandemic crisis (A/62/328), the Secretary-General sought from the General Assembly budgetary resources for the biennium 2008-2009 for activities pertaining to business continuity and operational preparedness. Having considered that report, the General Assembly, in section VII of its resolution 62/238, took note of the report, and requested for the sixty-third session "a comprehensive report on business continuity, including in the event of a pandemic, that is complimentary to and compatible with the wider enterprise resource planning and information and communications technology reform, and to include information on the status of implementation of measures taken in that regard". No resources were, however, approved for the biennium 2008-2009.

41. Pending submission of the report requested by the General Assembly, the Secretary-General identified budgetary requirements amounting to $2,422,200 to continue coordination activities and the preparedness plans for business continuity, including in the event of a pandemic. Those requirements were used for (a) coordination of the preparation and implementation of staff training plans and medical guidelines, and simulation exercises; (b) maintenance of the pandemic telecommuting infrastructure; (c) maintenance of the virtual meeting support infrastructure for the General Assembly and the Security Council; (d) setting-up of the virtual private network server; (e) content management of and infrastructure support for pandemic/emergency website for access by United Nations personnel and their dependants for preparedness and emergency-related information; and integrated business continuity planning; and (f) replenishment of Tamiflu oral suspension for paediatric use and regular Tamiflu capsules, and antibiotics required to treat pandemic-related infections, as well as the purchase of medical and office supplies. The distribution of the utilization of the discretion by section is contained in table 1 below.

**(b) Enterprise resource planning system**

42. With regard to the enterprise resource planning system, it would be recalled that in paragraph 4, section II, of its resolution 60/283, the General Assembly decided that IMIS would be replaced with a next generation ERP system or other comparable system, as the IMIS system was fast approaching the end of its useful

life, and the costs of maintenance and ongoing support to IMIS no longer matched the benefits staff and managers expect from the system.

43. The revised and updated report of the Secretary-General on information and communications technology entitled "Enterprise systems for the United Nations Secretariat worldwide" (A/62/510/Rev.1) set out the proposals and resource requirements for the ERP project. Any delay in the work owing to the lack of interim resources pending consideration of the reports of the Secretary-General on ERP systems would have placed the project at risk, notably prolonging and escalating the estimated cost of the project as well as increasing costs for maintaining the ageing IMIS system. Therefore, use was made of the authority granted to the Secretary-General in resolution 60/283 to meet the interim costs for six months, in the amount of $3,484,800, associated with major ERP project tasks, including the identification of system requirements, the ERP software evaluation and selection, the business process standardization, streamlining and re-engineering and adoption of best practices, change management and communications, and the development of a system implementation plan and detailed project cost estimates. Resources were used to fund project staffing, travel, services of consultants, and other operational requirements. The related redeployment of amounts utilized to address the ERP project needs is detailed by budget section in table 1 below.

Table 1
**Distribution by section**

| | *Secretary-General's limited discretion to enter into commitments* | | |
|---|---|---|---|
| *Section* | *Influenza pandemic* | *Enterprise resource planning system* | *Total limited discretion* |
| 2. General Assembly and Economic and Social Council affairs and conference management | (422.2) | (1 742.4) | (2 164.6) |
| 17. Economic and social development in Africa | 215.8 | | 215.8 |
| 20. Economic and social development in Latin America and the Caribbean | 25.5 | | 25.5 |
| 21. Economic and social development in Western Asia | 8.3 | | 8.3 |
| 23. Human rights | (2 000.0) | | (2 000.0) |
| 27. Public information | 18.0 | (1 742.4) | (1 724.4) |
| 28A. Office of the Under-Secretary-General for Management | | 3 050.3 | 3 050.3 |
| 28C. Office of Human Resources Management | 232.4 | | 232.4 |
| 28D. Office of Central Support Services | 1 438.7 | 434.5 | 1 873.2 |
| 28E. Administration, Geneva | 21.7 | | 21.7 |
| 28F. Administration, Vienna | 150.3 | | 150.3 |
| 28G. Administration, Nairobi | 311.5 | | 311.5 |
| **Total** | — | — | — |

### 3. Restructuring of the Office of Human Resources Management

44. The General Assembly, in its resolution 62/236, took note of the new organizational structure of the Office of Human Resources Management, which was submitted in the context of the proposed programme budget for the biennium 2008-2009. The new structure was planned to comprise the Office of the Assistant Secretary-General and four divisions, namely, the Policy and Strategic Planning Division, the Recruitment and Staffing Division, the Learning and Development Division and the Medical Services Division. As the staffing proposals, especially the post of a D-2 level Director of the Recruitment and Staffing Division, did not materialize as recommended by the Advisory Committee and endorsed by the General Assembly, further modifications to the organizational structure are required in order to ensure alignment with functional priorities and maximum support for the Secretary-General's human resources reform effort and an equitable division of accountability and responsibility among the approved posts.

45. The modified organizational structure of the Office of Human Resources Management would comprise (a) the Office of the Assistant Secretary-General, (b) the Human Resources Policy Service, (c) the Strategic Planning and Staffing Division, (d) the Learning, Development and Human Resources Services Division, and (e) the Medical Services Division. The modified organizational structure would enable the Office to exercise its overall authority for human resources management, generate maximum synergy among divisions, sections and units to provide better client services in the most effective and efficient way possible and innovate to meet new and evolving challenges in human resources management.

46. Major changes in this reconfigured structure include the following:

(a) The Planning, Monitoring and Reporting Service will be rejoined with the Staffing Service under the Strategic Planning and Staffing Division. Based on the significant importance being attached to workforce planning, which is at the top of the Secretary-General's human resources reform agenda and would be the main tool to predict and plan for future staffing needs, it is considered necessary to team the Planning, Monitoring and Reporting Service with the Staffing Service.

(b) The Human Resources Services (consisting of the current clusters, including the Overseas Offices Section) will be under the Learning, Development and Human Resources Services Division, the rationale being that this would provide a package of client services in the areas of career development, training, staff administration advice, and staff well-being. Taking into account the types of services that the current clusters provide, the Human Resources Service will be better suited in the Learning, Development and Human Resources Services Division in order to provide integrated services and advice to staff members.

(c) The Staff Counsellor's Office would join the Medical Services Division. It was originally created and situated in the Medical Services Division owing to the close association of personal confidential counselling services, and often concomitant medical consultation. Some years ago, the Staff Counsellor's Office was moved to the Learning, Development and Human Resources Services Division, and since that time a number of additional "non-counselling" and benefit-related functions were added. It has become clear that the functions related to personal and confidential staff counselling have greater synergy and relationship with the functions of the Medical Services Division, and would be more efficiently managed

and developed under the umbrella of staff health care, in the Medical Services Division. These include personal consultations and counselling, HIV/AIDS in workplace issues, alcohol and substance abuse issues, SOS programme, and training for stress management and critical incident management, and mission readiness and staff emergency fund. Functions related to benefits and human resources (i.e., visa assistance, immigration) will remain in the Learning, Development and Human Resources Services Division.

47. There are no changes in the level of post and non-post resources appropriated under section 28C, Office of Human Resources Management, for the biennium 2008-2009. The intent in the present case is to realign and redistribute the approved resources on a cost-neutral basis. Any changes or refinements to the approved strategic framework for the period 2008-2009 as may be required in order to reflect the realignment and redistribution of functions and outputs under various subprogrammes, and corresponding to the modified organizational structure of the Office of Human Resources Management will be submitted to the Committee for Programme and Coordination for its consideration at its forty-ninth session in 2009.

### H. Summary

48. On the basis of the elements described in the present report, the revised level of resources requested for appropriation for the biennium 2008-2009 would be $4,388,402,000.

## III. Income sections

#### Income section 1. Income from staff assessment

49. The changes described under the expenditure sections above and income section 3 below would result in an increase in income from staff assessment of $16,732,100.

#### Income section 2. General income

50. The decrease in general income of $10,195,900 largely reflects a projected decrease of $8,680,600 in interest income and a reduction of $1,587,000 in reimbursement for services provided to specialized agencies in the biennium 2008-2009. The adjustment to interest income results from the significant downward movement in interest rates experienced in 2008 and the envisaged continuation of such trend in 2009, amid the current worldwide financial crisis. The reduction of reimbursement for services provided to specialized agencies is due to the cessation of operations of the United Nations Compensation Commission in Geneva in 2008, eliminating such income.

#### Income section 3. Services to the public

51. The increase of $246,600 in net income under services to the public is attributable to an increase in the subscription fees for UN Comtrade for the year 2009, and a stable customer base observed; a better than anticipated performance by the United Nations Postal Administration; and the revision to the Capital Master Plan schedule, as a result of which the gift centre will continue operating in 2009

instead of being closed as earlier anticipated. While the present report includes required revisions to revenue estimates, expenditures are expected to remain consistent with budgeted levels. Any further changes to the level of revenues and expenditures, during the course of 2009, will be taken into account and reported in the context of the second performance report in accordance with existing practice.

52. In General Assembly resolution 60/248, the Secretary-General was requested to organize a guided tour operation at the United Nations Office at Nairobi and to report thereon in the context of the budget performance reports. Owing to a number of ongoing construction projects and related security enhancements at the United Nations complex in Nairobi, the guided tour operations have not yet commenced. It is anticipated that the guided tour operations will be implemented after the completion of the construction projects.

### Summary

53. On the basis of the elements described above, the revised estimated income for the biennium 2008-2009 would be $526,860,500, as summarized below:

(Thousands of United States dollars)

| *Budget section* | *Income estimate*[a] | *Projected change* | *Revised estimate* |
|---|---|---|---|
| Income section 1 | 470 397.5 | 16 732.1 | 487 129.6 |
| Income section 2 | 47 946.9 | (10 195.9) | 37 751.0 |
| Income section 3 | 1 733.3 | 246.6 | 1 979.9 |
| **Total** | **520 077.7** | **6 782.8** | **526 860.5** |

[a] Resolutions 62/237 B and 62/245.

## IV. Action requested of the General Assembly

54. The General Assembly is requested to revise the appropriation for the biennium 2008-2009 as set out in paragraph 48 above and the related income estimates as set out in paragraph 53 above.

Schedule 1

**Rates of exchange relative to the United States dollar and inflation included in the initial appropriation for the biennium 2008-2009 and in the present report, by main duty station**

| | *Rates of exchange* | | | *Rates of inflation applicable to non-post objects of expenditure (percentage)* | | | |
|---|---|---|---|---|---|---|---|
| | | *Performance report* | | *Initial appropriation* | | *Performance report* | |
| *Main duty station (currency)* | *Initial appropriation* | *2008*[a] | *2009*[b] | *2008* | *2009* | *2008* | *2009* |
| Vienna (euro) | 0.733 | 0.677 | 0.773 | 2 | 1.9 | 3.7 | 2.7 |
| Santiago (Chilean peso) | 520.750 | 508.750 | 655.000 | 4.3 | 3.1 | 8.8 | 6.4 |
| Addis Ababa (Ethiopian birr) | 9.040 | 9.528 | 9.710 | 14 | 10.4 | 41 | 15 |
| UNMOGIP (rupee) | 41.553 | 43.081 | 49.960 | 6.1 | 5.6 | 7.9 | 7.1 |
| Beirut (Lebanese pound) | 1 510.000 | 1 505.500 | 1 505.500 | 4 | 3.5 | 12 | 6 |
| Gaza/UNRWA/UNTSO (shekel) | 4.110 | 3.565 | 3.820 | 2.1 | 2.3 | 4.8 | 3.3 |
| Nairobi (Kenya shilling) | 66.888 | 68.586 | 80.150 | 7.4 | 6.5 | 25.5 | 7.6 |
| Mexico City (Mexican peso) | 10.980 | 10.951 | 13.100 | 3.8 | 3.4 | 5.3 | 6.2 |
| The Hague (euro) | 0.733 | 0.677 | 0.773 | 2 | 2 | 2.5 | 1.7 |
| Bangkok (baht) | 34.443 | 33.293 | 34.890 | 2.1 | 2.1 | 6.3 | 4 |
| Port of Spain (Trinidad and Tobago dollar) | 6.320 | 6.228 | 6.228 | 6.5 | 6.2 | 12 | 11.9 |
| New York (United States dollar) | 1.000 | 1.000 | 1.000 | 2.1 | 2.2 | 4.5 | 2.4 |
| Geneva (Swiss franc) | 1.200 | 1.079 | 1.140 | 1.3 | 1.7 | 2.6 | 1.5 |
| United Nations information centres[c] | 1.000 | 1.000 | 1.000 | 2.1 | 2.2 | 4.5 | 2.4 |

*Abbreviations*: UNMOGIP, United Nations Military Observer Group in India and Pakistan; UNRWA, United Nations Relief and Works Agency for Palestine Refugees in the Near East; UNTSO, United Nations Truce Supervision Organization.

[a] Average of United Nations operational rates of exchange, with actual rates to November 2008 and November rate used for December.

[b] Based on actual rates effective 1 November 2008. Actual November 2008 rates used except for Port of Spain and Beirut, where average actual rates were used from January to November 2008, with the November rate projected to December.

[c] Combined effect of inflation and exchange rate changes.

## Schedule 2

## Post adjustment multipliers for 2008 and 2009 applicable to staff in the Professional and higher categories

(Base 100 = multiplier 0)

| | *Initial appropriation* | | *First performance report* | | *Monthly actual multipliers for 2008* | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Cost station* | *2008* | *2009* | *2008[a]* | *2009* | *Jan* | *Feb* | *Mar* | *Apr* | *May* | *Jun* | *Jul* | *Aug* | *Sep* | *Oct* | *Nov* | *Dec* |
| Vienna | 159.6 | 161.0 | 168.9 | 155.0 | 165.0 | 167.2 | 170.7 | 177.3 | 177.3 | 177.0 | 178.8 | 177.0 | 169.0 | 167.6 | 150.0 | 150.0 |
| Santiago | 143.2 | 145.9 | 145.0 | 132.7 | 143.4 | 143.4 | 143.9 | 148.0 | 148.0 | 148.0 | 144.2 | 144.2 | 144.2 | 144.2 | 144.2 | 144.2 |
| Addis Ababa | 142.8 | 148.0 | 148.4 | 160.3 | 140.6 | 140.6 | 144.1 | 144.1 | 144.1 | 144.1 | 150.7 | 150.7 | 150.7 | 150.7 | 160.4 | 160.4 |
| UNMOGIP | 136.4 | 140.2 | 137.7 | 131.5 | 136.8 | 136.8 | 139.0 | 139.0 | 139.0 | 139.0 | 138.4 | 138.4 | 138.4 | 138.4 | 134.3 | 134.3 |
| Beirut | 140.2 | 142.9 | 147.5 | 152.0 | 140.7 | 140.7 | 142.4 | 142.4 | 147.7 | 147.7 | 150.6 | 150.6 | 150.6 | 150.6 | 153.0 | 153.0 |
| Gaza/UNRWA/UNTSO | 138.4 | 140.1 | 150.2 | 149.3 | 139.4 | 139.4 | 147.6 | 147.6 | 147.6 | 155.8 | 155.6 | 155.6 | 155.6 | 155.6 | 151.3 | 151.3 |
| Nairobi | 138.0 | 142.7 | 145.1 | 141.2 | 136.8 | 136.8 | 138.2 | 140.8 | 140.8 | 140.8 | 150.5 | 151.2 | 151.2 | 151.2 | 151.2 | 151.2 |
| Mexico City | 141.3 | 144.3 | 144.7 | 137.4 | 140.2 | 140.2 | 141.5 | 141.6 | 141.6 | 141.6 | 148.2 | 148.2 | 148.2 | 148.2 | 148.2 | 148.2 |
| The Hague | 155.8 | 157.6 | 167.6 | 152.1 | 162.3 | 164.5 | 167.9 | 174.4 | 172.4 | 172.2 | 173.9 | 172.1 | 171.0 | 172.1 | 153.9 | 153.9 |
| Bangkok | 138.8 | 140.7 | 144.7 | 144.3 | 137.7 | 137.7 | 144.6 | 144.6 | 144.6 | 144.6 | 147.5 | 147.5 | 147.5 | 147.5 | 146.2 | 146.2 |
| Port of Spain | 143.3 | 148.4 | 148.5 | 156.7 | 141.0 | 141.0 | 145.3 | 145.3 | 145.3 | 145.3 | 150.7 | 150.7 | 150.7 | 155.3 | 155.6 | 155.6 |
| New York | 163.1 | 166.5 | 166.2 | 170.6 | 161.8 | 161.8 | 161.8 | 161.8 | 161.8 | 161.8 | 161.8 | 172.5 | 172.4 | 172.4 | 172.4 | 172.4 |
| Security field offices | 140.9 | 144.0 | 144.5 | 144.6 | 144.5 | 144.5 | 144.5 | 144.5 | 144.5 | 144.5 | 144.5 | 144.5 | 144.5 | 144.5 | 144.5 | 144.5 |
| Geneva | 168.0 | 169.7 | 183.8 | 174.8 | 173.3 | 180.5 | 185.2 | 195.9 | 188.8 | 187.6 | 192.0 | 188.3 | 182.0 | 182.8 | 174.7 | 174.7 |
| United Nations information centres | 144.8 | 148.0 | 148.3 | 148.4 | 148.3 | 148.3 | 148.3 | 148.3 | 148.3 | 148.3 | 148.3 | 148.3 | 148.3 | 148.3 | 148.3 | 148.3 |

*Abbreviations*: UNMOGIP, United Nations Military Observer Group in India and Pakistan; UNRWA, United Nations Relief and Works Agency for Palestine Refugees in the Near East; UNTSO, United Nations Truce Supervision Organization.

[a] Average of actual post adjustment multipliers to November and projected multipliers for December.

## Schedule 3
## Rates of exchange against the United States dollar for 2008, by duty station

| Duty station | Initial appropriation | Performance report | | Variance (percentage) | | Monthly operational rates of exchange[a] | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2008-2009 | 2008[a] | 2009[b] | 2008 | 2009 | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| Vienna | 0.733 | 0.677 | 0.773 | 8.270 | (5.170) | 0.686 | 0.676 | 0.661 | 0.634 | 0.642 | 0.643 | 0.636 | 0.643 | 0.677 | 0.683 | 0.773 | 0.773 |
| Santiago | 520.750 | 508.750 | 655.000 | 2.360 | (20.550) | 490.000 | 460.000 | 459.000 | 440.000 | 445.000 | 470.000 | 492.000 | 492.000 | 515.000 | 532.000 | 655.000 | 655.000 |
| Addis Ababa | 9.040 | 9.528 | 9.710 | (5.120) | (6.900) | 9.200 | 9.220 | 9.300 | 9.480 | 9.520 | 9.560 | 9.590 | 9.650 | 9.670 | 9.730 | 9.710 | 9.710 |
| UNMOGIP | 41.553 | 43.081 | 49.960 | (3.550) | (16.830) | 39.460 | 39.360 | 39.750 | 40.340 | 40.170 | 42.820 | 42.890 | 42.260 | 43.800 | 46.200 | 49.960 | 49.960 |
| Beirut | 1 510.000 | 1 505.500 | 1 505.500 | 0.300 | 0.300 | 1 508.000 | 1 508.000 | 1 510.000 | 1 508.000 | 1 509.000 | 1 509.000 | 1 506.000 | 1 504.000 | 1 501.000 | 1 501.000 | 1 501.000 | 1 501.000 |
| Gaza/ UNRWA/ UNTSO | 4.110 | 3.565 | 3.820 | 15.290 | 7.590 | 3.890 | 3.680 | 3.580 | 3.500 | 3.470 | 3.280 | 3.370 | 3.470 | 3.500 | 3.400 | 3.820 | 3.870 |
| Nairobi | 66.888 | 68.586 | 80.150 | (2.480) | (16.550) | 63.000 | 70.420 | 69.150 | 62.750 | 62.380 | 62.100 | 64.200 | 66.850 | 68.600 | 73.280 | 80.150 | 80.150 |
| Mexico | 10.980 | 10.951 | 13.100 | 0.260 | (16.180) | 10.810 | 10.820 | 10.780 | 10.750 | 10.530 | 10.300 | 10.280 | 10.250 | 10.120 | 10.570 | 13.100 | 13.100 |
| The Hague | 0.733 | 0.677 | 0.773 | 8.270 | (5.170) | 0.686 | 0.676 | 0.661 | 0.634 | 0.642 | 0.643 | 0.636 | 0.643 | 0.677 | 0.683 | 0.773 | 0.773 |
| Bangkok | 34.443 | 33.293 | 34.890 | 3.450 | (1.280) | 33.690 | 33.090 | 32.390 | 31.410 | 31.770 | 32.260 | 33.570 | 33.500 | 34.070 | 33.980 | 34.890 | 34.890 |
| Port of Spain | 6.320 | 6.228 | 6.228 | 1.480 | 1.480 | 6.300 | 6.290 | 6.290 | 6.290 | 6.270 | 6.180 | 6.120 | 6.160 | 6.170 | 6.220 | 6.220 | 6.220 |
| Geneva | 1.200 | 1.079 | 1.140 | 11.210 | 5.260 | 1.140 | 1.140 | 1.060 | 0.997 | 1.038 | 1.045 | 1.028 | 1.050 | 1.090 | 1.085 | 1.140 | 1.140 |

*Abbreviations*: UNMOGIP, United Nations Military Observer Group in India and Pakistan; UNRWA, United Nations Relief and Works Agency for Palestine Refugees in the Near East; UNTSO, United Nations Truce Supervision Organization.

[a] Average of United Nations operational rates of exchange with actual rates through November 2006 and November rate used for December 2009.

[b] Based on actual rates effective 1 November 2008. Actual November 2008 rates used except for Port of Spain and Beirut, where average actual rates were used from January to November 2008, with the November rate projected to December.

## Schedule 4
## General Service salaries: changes in local currency terms
(Percentage)

| *Cost station* | *Year* | *Rate of increase in initial appropriation (Previous year = 100)* | *Adjusted rates used in performance report* | *Increase (Previous scale = 100)* |
|---|---|---|---|---|
| Vienna | 2008 | 2.00 | 0.48 | |
| | 2009 | 1.90 | 2.70 | |
| Santiago | 2008 | 4.30 | 2.54 | |
| | 2009 | 3.10 | 6.40 | |
| Addis Ababa | 2008 | 14.00 | 28.00 | 28.00 (1 Jan) |
| | 2009 | 10.40 | 15.00 | |
| UNMOGIP | 2008 | 6.10 | 3.89 | |
| | 2009 | 5.60 | 7.10 | |
| Beirut | 2008 | 4.00 | 2.70 | |
| | 2009 | 3.50 | 6.00 | |
| Gaza/UNRWA/UNTSO | 2008 | 2.10 | 3.67 | 3.90 (1 Mar) |
| | 2009 | 2.30 | 3.30 | |
| Nairobi | 2008 | 7.40 | 6.09 | |
| | 2009 | 6.50 | 7.60 | |
| Mexico | 2008 | 3.80 | 2.28 | |
| | 2009 | 3.40 | 6.20 | |
| The Hague | 2008 | 2.00 | 1.69 | |
| | 2009 | 2.00 | 1.70 | |
| Bangkok | 2008 | 2.10 | 10.66 | 8.40 (1 Feb) |
| | 2009 | 2.10 | 4.00 | |
| Port of Spain | 2008 | 6.50 | 6.06 | |
| | 2009 | 6.20 | 11.90 | |
| New York | 2008 | 2.10 | 4.27 | 4.60 (1 Aug) |
| | 2009 | 2.20 | 2.40 | |
| Security field offices | 2008 | 2.10 | 4.27 | 4.60 (1 Aug) |
| | 2009 | 2.20 | 2.40 | |
| Geneva | 2008 | 1.30 | 0.42 | 0.50 (1 Mar) |
| | 2009 | 1.70 | 1.50 | |
| United Nations information centres | 2008 | 2.10 | 4.27 | 4.60 (1 Aug) |
| | 2009 | 2.20 | 2.40 | |

*Abbreviations*: UNMOGIP, United Nations Military Observer Group in India and Pakistan; UNRWA, United Nations Relief and Works Agency for Palestine Refugees in the Near East; UNTSO, United Nations Truce Supervision Organization.

# Annex I

## Projected changes in the budget estimates for the biennium 2008-2009

### A. By budget section and main determining factor

(Thousands of United States dollars)

| | | | Projected changes | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | *Expenditure section* | *2008-2009 appropriation*[a] | *Unforeseen and extraordinary expenses* | *Decisions of policymaking organs* | *Exchange rate* | *Inflation* | *Adjustment to standards* | *Vacancy* | *Total changes* | *Revised estimates* |
| 1. | Overall policymaking, direction and coordination | 89 215.8 | — | — | 491.3 | 2 259.7 | 360.6 | — | 3 111.6 | 92 327.4 |
| 2. | General Assembly and Economic and Social Council affairs and conference management | 629 339.8 | — | — | 16 193.8 | 12 024.8 | 2 865.0 | — | 31 083.6 | 660 423.4 |
| 3. | Political affairs | 527 240.8 | 712.6 | — | 1 591.3 | 2 350.9 | 207.9 | — | 4 862.7 | 532 103.5 |
| 4. | Disarmament | 21 607.9 | — | — | 249.8 | 523.7 | 78.3 | — | 851.8 | 22 459.7 |
| 5. | Peacekeeping operations | 101 412.7 | 446.6 | — | 4 747.0 | 1 512.8 | (2 330.6) | — | 4 375.8 | 105 788.5 |
| 6. | Peaceful uses of outer space | 7 439.8 | — | — | 156.5 | 34.8 | 11.2 | — | 202.5 | 7 642.3 |
| 7. | International Court of Justice | 41 200.4 | 200.0 | — | 1 159.2 | 2 692.7 | (124.6) | — | 3 927.3 | 45 127.7 |
| 8. | Legal affairs | 46 069.0 | — | — | 96.6 | 1 153.3 | 389.3 | — | 1 639.2 | 47 708.2 |
| 9. | Economic and social affairs | 158 384.8 | — | — | | 4 791.5 | 1 685.7 | — | 6 477.2 | 164 862.0 |
| 10. | Least developed countries, landlocked developing countries and small island developing States | 5 440.4 | — | — | | 170.5 | 80.7 | — | 251.2 | 5 691.6 |
| 11. | United Nations support for the New Partnership for Africa's Development | 11 641.9 | — | — | (80.5) | 531.4 | 36.0 | — | 486.9 | 12 128.8 |
| 12. | Trade and development | 123 746.1 | — | — | 9 853.0 | (686.1) | (482.7) | — | 8 684.2 | 132 430.3 |
| 13. | International Trade Centre UNCTAD/WTO | 28 099.8 | — | — | 2 773.9 | | — | — | 2 773.9 | 30 873.7 |
| 14. | Environment | 13 796.6 | — | — | (837.2) | 1 168.0 | (67.6) | — | 263.2 | 14 059.8 |
| 15. | Human settlements | 20 520.8 | — | — | (1 729.5) | 2 092.7 | (82.4) | — | 280.8 | 20 801.6 |
| 16. | International drug control, crime and terrorism prevention and criminal justice | 36 819.0 | — | — | 490.5 | 276.2 | (9.8) | — | 756.9 | 37 575.9 |
| 17. | Economic and social development in Africa | 119 798.2 | — | — | (5 444.2) | 18 099.9 | (5 319.2) | — | 7 336.5 | 127 134.7 |

| Expenditure section | 2008-2009 appropriation[a] | Projected changes: Unforeseen and extraordinary expenses | Decisions of policymaking organs | Exchange rate | Inflation | Adjustment to standards | Vacancy | Total changes | Revised estimates |
|---|---|---|---|---|---|---|---|---|---|
| 18. Economic and social development in Asia and the Pacific | 83 926.4 | — | — | 871.0 | 4 473.0 | 1 436.9 | — | 6 780.9 | 90 707.3 |
| 19. Economic development in Europe | 59 917.1 | — | — | 4 845.8 | (425.6) | 29.2 | — | 4 449.4 | 64 366.5 |
| 20. Economic and social development in Latin America and the Caribbean | 104 445.0 | — | — | (7 346.7) | 4 201.2 | 180.2 | — | (2 965.3) | 101 479.7 |
| 21. Economic and social development in Western Asia | 58 107.5 | — | — | 167.3 | 3 110.8 | 2 205.0 | — | 5 483.1 | 63 590.6 |
| 22. Regular programme of technical cooperation | 50 951.4 | — | — | 250.0 | 3 631.1 | — | — | 3 881.1 | 54 832.5 |
| 23. Human rights | 116 938.4 | — | — | 7 896.4 | (74.3) | (15.7) | — | 7 806.4 | 124 744.8 |
| 24. International protection, durable solutions and assistance to refugees | 73 069.3 | — | — | 5 864.1 | 1 031.7 | 40.4 | — | 6 936.2 | 80 005.5 |
| 25. Palestine refugees | 40 727.5 | — | — | 4 610.2 | (1 014.4) | 746.8 | — | 4 342.6 | 45 070.1 |
| 26. Humanitarian assistance | 28 492.3 | — | — | 728.8 | 456.8 | 183.9 | — | 1 369.5 | 29 861.8 |
| 27. Public information | 184 000.5 | — | — | 642.6 | 4 718.6 | 12.9 | — | 5 374.1 | 189 374.6 |
| 28A. Office of the Under-Secretary-General for Management | 15 002.5 | — | — | | 438.5 | 152.9 | — | 591.4 | 15 593.9 |
| 28B. Office of Programme Planning, Budget and Accounts | 39 169.9 | — | — | | 1 136.9 | 338.9 | — | 1 475.8 | 40 645.7 |
| 28C. Office of Human Resources Management | 70 688.1 | — | — | | 1 938.9 | 421.7 | — | 2 360.6 | 73 048.7 |
| 28D. Office of Central Support Services | 236 300.1 | — | — | | 7 992.2 | 768.0 | — | 8 760.2 | 245 060.3 |
| 28E. Administration, Geneva | 112 185.0 | — | — | 9 067.2 | 795.6 | (72.6) | — | 9 790.2 | 121 975.2 |
| 28F. Administration, Vienna | 39 019.8 | — | — | 581.4 | 350.1 | (298.9) | — | 632.6 | 39 652.4 |
| 28G. Administration, Nairobi | 27 838.9 | — | — | (2 429.5) | 2 574.7 | (341.9) | — | (196.7) | 27 642.2 |
| 29. Internal oversight | 35 997.7 | — | — | 40.4 | 1 154.2 | 290.4 | — | 1 485.0 | 37 482.7 |
| 30. Jointly financed administrative activities | 11 459.3 | — | — | 280.3 | 715.8 | — | — | 996.1 | 12 455.4 |
| 31. Special expenses | 97 011.6 | — | — | 1 129.9 | 2 231.2 | — | — | 3 361.1 | 100 372.7 |
| 32. Construction, alteration, improvement and major maintenance | 58 782.6 | — | — | 339.0 | 3 077.8 | — | — | 3 416.8 | 62 199.4 |
| 33. Safety and security | 197 169.3 | — | — | 657.9 | 5 128.0 | (1 009.2) | 5 979.9 | 10 756.6 | 207 925.9 |

| *Expenditure section* | *2008-2009 appropriation*[a] | *Projected changes* | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | *Unforeseen and extraordinary expenses* | *Decisions of policymaking organs* | *Exchange rate* | *Inflation* | *Adjustment to standards* | *Vacancy* | *Total changes* | *Revised estimates* |
| 34. Development Account | 18 651.3 | — | — | — | — | — | — | 0.0 | 18 651.3 |
| 35. Staff assessment | 465 983.1 | — | — | 5 107.4 | 7 179.6 | 4 253.6 | — | 16 540.6 | 482 523.7 |
| **Total** | **4 207 608.4** | **1 359.2** | **0.0** | **63 015.0** | **103 819.2** | **6 620.3** | **5 979.9** | **180 793.6** | **4 388 402.0** |

[a] General Assembly resolutions 62/237 A and 62/245.

## B. By duty station and main determining factor

(Thousands of United States dollars)

| | | *Projected changes* | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| *Duty station* | *2008-2009 appropriation* | *Unforeseen and extraordinary expenses* | *Decisions of policymaking organs* | *Exchange rate* | *Inflation* | *Adjustment to standards* | *Vacancy* | *Total changes* | *Revised estimates* |
| New York | 2 204 387.8 | 1 159.2 | — | — | 49 001.3 | 13 035.8 | | 63 196.3 | 2 267 584.1 |
| Geneva | 931 384.7 | — | — | 71 234.6 | (642.6) | (251.3) | | 70 340.7 | 1 001 725.4 |
| Vienna | 181 338.3 | — | — | 2 307.4 | 2 090.2 | 53.6 | | 4 451.2 | 185 789.5 |
| Santiago | 109 694.5 | — | — | (7 793.0) | 3 694.5 | 660.6 | | (3 437.9) | 106 256.6 |
| Addis Ababa | 158 918.5 | — | — | (6 880.0) | 24 724.0 | (5 911.9) | | 11 932.1 | 170 850.6 |
| Beirut | 79 257.0 | — | — | 210.5 | 3 744.1 | 2 888.2 | | 6 842.8 | 86 099.8 |
| Nairobi | 114 343.4 | — | — | (9 101.9) | 9 378.9 | (1 027.4) | | (750.4) | 113 593.0 |
| Bangkok | 116 834.8 | — | — | 1 145.9 | 6 311.4 | 2 328.2 | | 9 785.5 | 126 620.3 |
| Other | 311 449.4 | 200.0 | — | 11 891.5 | 5 517.4 | (5 155.5) | 5 979.9 | 18 433.3 | 329 882.7 |
| **Total** | **4 207 608.4** | **1 359.2** | — | **63 015.0** | **103 819.2** | **6 620.3** | **5 979.9** | **180 793.6** | **4 388 402.0** |

# Annex II

## Estimated increases or decreases in requirements for the biennium 2008-2009, by budget section and main object of expenditure

(Thousands of United States dollars)

| *Expenditure section* | | *Salaries and common staff costs* | *Travel* | *Printing* | *Other contractual services* | *General operating expenses* | *Supplies and materials, furniture and equipment* | *Other* | *Total increase (decrease)* |
|---|---|---|---|---|---|---|---|---|---|
| 1. | Overall policymaking, direction and coordination | 2 247.8 | 374.1 | 2.1 | 105.9 | 92.3 | 24.4 | 265.0 | 3 111.6 |
| 2. | General Assembly and Economic and Social Council affairs and conference management | 27 518.9 | 15.3 | 2.0 | 939.4 | 387.3 | 659.3 | 1 561.4 | 31 083.6 |
| 3. | Political affairs | 3 885.7 | 456.4 | 1.3 | 20.6 | 430.4 | 68.0 | 0.3 | 4 862.7 |
| 4. | Disarmament | 751.1 | 7.4 | — | 0.6 | 6.5 | 3.9 | 82.3 | 851.8 |
| 5. | Peacekeeping operations | 3 633.6 | 136.2 | — | 2.5 | 456.5 | 147.0 | 0.0 | 4 375.8 |
| 6. | Peaceful uses of outer space | 166.0 | 2.9 | 1.1 | 0.6 | 1.9 | 1.7 | 28.3 | 202.5 |
| 7. | International Court of Justice | 3 138.8 | 1.7 | 13.1 | 11.0 | 736.2 | 26.5 | — | 3 927.3 |
| 8. | Legal affairs | 1 484.0 | 67.9 | 14.8 | 24.3 | 21.6 | 15.6 | 11.0 | 1 639.2 |
| 9. | Economic and social affairs | 6 190.3 | 116.7 | 17.7 | 33.0 | 72.9 | 27.3 | 19.3 | 6 477.2 |
| 10. | Least developed countries, landlocked developing countries and small island developing States | 240.7 | 4.4 | 1.6 | 0.2 | 2.6 | 1.7 | — | 251.2 |
| 11. | United Nations support for the New Partnership for Africa's Development | 458.7 | 10.4 | 5.7 | 4.9 | 5.9 | 1.3 | — | 486.9 |
| 12. | Trade and development | 7 931.9 | 40.9 | 28.4 | — | 251.2 | 250.3 | 181.5 | 8 684.2 |
| 13. | International Trade Centre UNCTAD/WTO | — | — | — | — | — | — | 2 773.9 | 2 773.9 |
| 14. | Environment | 226.3 | 5.9 | 1.2 | — | 22.4 | 7.4 | — | 263.2 |
| 15. | Human settlements | 201.9 | 6.9 | 7.3 | 0.8 | 42.9 | 21.0 | — | 280.8 |
| 16. | International drug control, crime and terrorism prevention and criminal justice | 622.9 | 52.4 | 30.4 | 12.3 | 19.3 | 17.9 | 1.7 | 756.9 |
| 17. | Economic and social development in Africa | 2 705.2 | 50.4 | 113.3 | 696.5 | 1 798.4 | 1 937.8 | 34.9 | 7 336.5 |
| 18. | Economic and social development in Asia and the Pacific | 6 264.5 | 35.1 | 18.1 | 33.3 | 284.7 | 145.0 | 0.2 | 6 780.9 |
| 19. | Economic development in Europe | 4 179.6 | 23.7 | 9.9 | 26.9 | 10.0 | 81.8 | 117.5 | 4 449.4 |
| 20. | Economic and social development in Latin America and the Caribbean | (3 208.5)[a] | 40.9 | 17.2 | 64.5 | 62.5 | 58.1 | — | (2 965.3) |
| 21. | Economic and social development in Western Asia | 4 868.3 | 13.7 | 7.7 | 99.0 | 299.5 | 159.9 | 35.0 | 5 483.1 |

| *Expenditure section* | *Salaries and common staff costs* | *Travel* | *Printing* | *Other contractual services* | *General operating expenses* | *Supplies and materials, furniture and equipment* | *Other* | *Total increase (decrease)* |
|---|---|---|---|---|---|---|---|---|
| 22. Regular programme of technical cooperation | 3 513.3 | 118.0 | — | 1.8 | 7.7 | 13.7 | 226.6 | 3 881.1 |
| 23. Human rights | 6 846.0 | 393.0 | 16.5 | 118.0 | 201.6 | 150.1 | 81.2 | 7 806.4 |
| 24. International protection, durable solutions and assistance to refugees | 121.3 | — | — | — | — | — | 6 814.9 | 6 936.2 |
| 25. Palestine refugees | 4 342.6 | — | — | — | — | — | — | 4 342.6 |
| 26. Humanitarian assistance | 1 182.8 | 25.5 | 1.9 | 24.6 | 46.7 | 11.4 | 76.6 | 1 369.5 |
| 27. Public information | 4 484.2 | 42.6 | 13.9 | 421.3 | 269.3 | 123.2 | 19.6 | 5 374.1 |
| 28A. Office of the Under-Secretary-General for Management | 575.6 | 1.3 | — | 4.9 | 6.8 | 2.8 | — | 591.4 |
| 28B. Office of Programme Planning, Budget and Accounts | 1 367.9 | 6.6 | 0.2 | 78.7 | 15.6 | 6.8 | — | 1 475.8 |
| 28C. Office of Humar Resources Management | 1 658.3 | 17.1 | 1.1 | 616.6 | 42.2 | 25.3 | — | 2 360.6 |
| 28D. Office of Central Support Services | 3 243.3 | 15.6 | 11.3 | 580.9 | 4 720.5 | 188.6 | — | 8 760.2 |
| 28E. Administration, Geneva | 5 105.4 | 1.7 | — | 429.4 | 3 566.9 | 375.9 | 310.9 | 9 790.2 |
| 28F. Administration, Vienna | (59.6)[b] | 0.8 | — | 23.7 | 167.8 | 69.3 | 430.6 | 632.6 |
| 28G. Administration, Nairobi | (650.8)[a] | 0.5 | — | 17.9 | 377.1 | 58.6 | — | (196.7) |
| 29. Internal oversight | 1 370.5 | 56.0 | — | 4.7 | 24.5 | 28.9 | 0.4 | 1 485.0 |
| 30. Jointly financed administrative activities | — | — | — | — | — | — | 996.1 | 996.1 |
| 31. Special expenses | 3 162.9 | — | — | — | 198.2 | — | — | 3 361.1 |
| 32. Construction, alteration, improvement and major maintenance | — | — | — | — | — | — | 3 416.8 | 3 416.8 |
| 33. Safety and security | 4 429.9 | 40.3 | 0.8 | 127.2 | 187.7 | 536.5 | 5 434.2 | 10 756.6 |
| 35. Staff assessment | 16 540.6 | — | — | — | — | — | — | 16 540.6 |
| **Total** | **130 741.9** | **2 182.3** | **338.6** | **4 526.0** | **14 837.6** | **5 247.0** | **22 920.2** | **180 793.6** |

[a] Reflects net adjustments owing to variations in rates of exchange between the rates used in the present report and those foreseen at the time of the initial appropriation.

[b] Reflects net adjustments to the standards based on the actual averages experienced thus far in the biennium.

# Annex III

## Estimated increases or decreases in requirements for jointly financed activities and inter-organizational security measures (gross budget) for the biennium 2008-2009, by main determining factor

(Thousands of United States dollars)

| | | *Projected changes* | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | *2008-2009 appropriation* | *Unforeseen and extraordinary expenses* | *Exchange rate* | *Inflation* | *Adjustment to standards* | *Vacancy* | *Total changes* | *Revised estimates* |
| International Civil Service Commission | 17 777.0 | — | — | 470.4 | 112.6 | — | 583.0 | 18 360.0 |
| Inter-organizational security measures | 200 126.1 | — | 398.7 | 4 354.3 | (6 900.9)[a] | 25 468.3 | 23 320.4 | 223 446.5 |
| United Nations System Chief Executives Board for Coordination | 5 141.2 | — | 214.1 | 61.7 | 19.3 | — | 295.1 | 5 436.3 |
| Joint Inspection Unit | 11 633.0 | — | 908.2 | (74.3)[b] | (268.0)[c] | — | 565.9 | 12 198.9 |
| **Total** | **234 677.3** | **—** | **1 521.0** | **4 812.1** | **(7 037.0)** | **25 468.3** | **24 764.4** | **259 441.7** |

[a] Largely reflects adjustments to the standards based on the realized common staff costs rate.
[b] Reflects adjustments to the post adjustment multiplier and cost-of-living.
[c] Reflects adjustments to the standards based on the actual averages experienced thus far in the biennium.

## Annex IV

# Expenditures incurred under the regular budget for the biennium 2008-2009 as at 31 October 2008

(Thousands of United States dollars)

| | | |
|---|---|---|
| Appropriation | — | 4 207 608.4 |
| Unliquidated obligations | 131 730.9 | — |
| Disbursements | 1 770 929.4 | — |
| **Total expenditures** | | **1 902 660.3** |
| **Uncommitted balance** | | **2 304 948.1** |

United Nations A/63/574–S/2008/741

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Security Council

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**General Assembly**
**Sixty-third session**
Agenda item 21
**Question of Cyprus**

**Security Council**
**Sixty-third year**

## Letter dated 26 November 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 26 November 2008, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex), forwarding a letter from Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

08-62418 (E) 011208

## Annex to the letter dated 26 November 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 26 November 2008 addressed to you by Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) M. Kemal **Gökeri**
Representative
Turkish Republic of Northern Cyprus

## Enclosure

I have the honour to refer to the letter of the Greek Cypriot leader, Mr. Demetris Christofias, pertaining to the Greek Cypriot Administration's unilateral delimitation of maritime jurisdiction areas as well as the exploration of oil and natural gas in the Eastern Mediterranean (A/63/554-S/2008/719, dated 20 November 2008) and to bring to your kind attention the views of the Turkish Cypriot side regarding the matter.

Before commenting on the content of the letter, I would like to reiterate, at the outset, that the Greek Cypriot side's unilateral activities regarding the delimitation of maritime jurisdiction areas in the Eastern Mediterranean before a comprehensive settlement prejudge and violate the fundamental rights and interests of the Turkish Cypriot people who were the equal co-founding partner in the 1960 Republic of Cyprus and thus have equal rights and say over the natural resources of the island and the sea areas of the Island of Cyprus. It should be recalled that the sensitive issue of delimitation of maritime jurisdiction areas for Cyprus was an important aspect of the negotiation process under United Nations auspices in 2004. The United Nations comprehensive settlement plan addressed this subject with the understanding that it is to be determined after a comprehensive political settlement in Cyprus. Moreover, it must also be noted that the Greek Cypriot Administration, purporting to act as if it is the legitimate Government of the Republic of Cyprus, represents exclusively the Greek Cypriot people and does not have any authority to negotiate and conclude agreements or conduct exploratory surveys on behalf of Cyprus as a whole. Furthermore, it must also be kept in mind that Turkey, as a neighbouring country, also has legitimate and legal rights and interests in the Eastern Mediterranean and thus the issue is not limited only to Cyprus. Parts of the maritime areas declared as the exclusive economic zone of the so-called Republic of Cyprus also concern Turkey's rights and interests; hence the dispute over the current seismic research activity.

In the above-mentioned letter, Mr. Christofias makes false allegations and refers to a so-called "serious incident which occurred ... off the southern territorial waters of Cyprus, when vessels legitimately conducting exploratory surveys within the exclusive economic zone of Cyprus ..., received threats by a Turkish warship and were forced to withdraw within the territorial waters of Cyprus". This allegation is fraught with slander. According to the information that I received from Turkish authorities, on the morning of 13 November 2008, a Turkish naval vessel, passing by the south-western coast of the Island, spotted two vessels chartered by a Norwegian-American company (Petroleum Geo Services-PGS) conducting seismic research activities on behalf of the Greek Cypriot Administration, and warned them against entering the Turkish maritime jurisdiction area. In parallel, the United States and Norwegian Ambassadors in Ankara were asked by the Turkish authorities to kindly intervene to resolve the issue diplomatically, while the Turkish naval vessels continuously asked the research vessels to leave the Turkish maritime jurisdiction area, but to no avail. The said vessels remained in the area for about seven hours without the permission of the Turkish authorities. As the research ships later continued their activities in the sea area to the south-south-west of the Island, on 15 November 2008, I felt obliged to call Mr. Christofias to ask for the termination of the seismic work altogether in order to prevent any escalation. I repeated this request on other occasions as well. Unfortunately, Mr. Christofias displayed a very

intransigent attitude, expressing the Greek Cypriot side's determination to continue with the research activity. A development which further aggravates the matter as from 21 November has been the addition of a Panama-flagged vessel to the ongoing seismic research activities.

It should be recalled that the attempts by the Greek Cypriot Administration to create a fait accompli in the Eastern Mediterranean through unilateral acts such as conducting exploratory surveys or seismic research activities for oil and gas exploration are nothing new, as has already been brought to your kind attention in my letter of 2 February 2007, which was circulated as a United Nations document (A/61/727-S/2007/54). As is known, the Greek Cypriot Administration signed a maritime delimitation agreement with Egypt as early as 2003 and with Lebanon in 2007, to which both Turkey and the Turkish Cypriot side registered their objections with the United Nations, stating that their legitimate rights in the Eastern Mediterranean are being violated. The Turkish side also objected to the Greek Cypriot side's attempt to adopt a law identifying 13 oil exploration fields around the island and to call for an international tender for oil exploration in the so-called exclusive economic zone of Cyprus.

Furthermore, these activities on the part of the Greek Cypriot side are in contravention of international law. It is an established rule that maritime delimitation in a semi-enclosed area like the Eastern Mediterranean can only be effected by agreement, with the consent of all parties concerned and by respecting their mutual rights. Since there is no such agreement over the exclusive economic zone in the said region, the Greek Cypriot Administration has no right whatsoever to initiate any activity there, including "exploratory surveys".

I would like to stress that at a time when full-fledged negotiations are ongoing regarding the core issues of a comprehensive settlement, which certainly include the issue of the maritime jurisdiction areas of the Island of Cyprus, the Greek Cypriot agitation for bringing the issue to your attention is part and parcel of chronic attempts by the Greek Cypriot Administration to settle the issue away from the negotiation table and to defame Turkey.

I would like to reiterate, once again, that despite the negative stance by the Greek Cypriot Administration the Turkish Cypriot side will continue to take part in the full-fledged negotiations in good faith and do its utmost to reach a comprehensive settlement on the basis of the United Nations-established parameters and body of work.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Mehmet Ali **Talat**
President

United Nations A/63/575–S/2008/742

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Security Council

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**Sixty-third session**
Agenda item 21
**Question of Cyprus**

**Security Council**
**Sixty-third year**

## Letter dated 26 November 2008 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Further to my letter dated 14 November 2008 (A/63/554-S/2008/719), I have the honour to transmit a second letter addressed to you by the President of the Republic of Cyprus, Demetris Christofias, dated 25 November 2008 (see annex).

Following the serious incident against which President Christofias protested, through his letter of 14 November 2008, and despite bringing this incident to your attention and that of the Security Council, as well as of the Division for Ocean Affairs and the Law of the Sea, the harassment of vessels by Turkish warships within the exclusive economic zone of the Republic of Cyprus has continued unabated, in a systematic and persistent manner, in complete disregard of Cyprus' sovereign rights.

I should be grateful if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Minas **Hadjimichael**

08-62345 (E) 011208

## Annex to the letter dated 26 November 2008 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Subsequent to my letter of 14 November 2008, at least three serious incidents took place involving the harassment of research vessels by Turkish warships in the exclusive economic zone (EEZ) of the Republic of Cyprus. I find myself in the unpleasant position of expressing my dismay over the continuation of such aggressive actions.

On 19 November, two vessels, *Harrier Explorer* and *Marja*, were performing oceanographic work within the EEZ south of the coast of Cyprus. After being harassed by the Turkish corvette *Bandirma* they were obliged to change location. On 21 November, two Turkish warships harassed the cargo ship *Aquarius G*, which is involved in the research, by repeatedly blocking its course until it was forced to return to Cypriot territorial waters. Again, on 24 November, the Turkish frigate *Gemlik* approached *Harrier Explorer* and *Aquarius G* and repeated the harassment by blocking the exploratory vessels' route, forcing them into dangerous manoeuvres. Despite several attempts by the captain of *Harrier Explorer* to contact the Turkish captain over the radio, there was no response. Furthermore, the Turkish naval force is constantly stationed within a short distance from the research vessels observing their actions and movements.

The continuation of these incidents, I am sad to observe, unavoidably impacts negatively on our efforts to reach a negotiated solution to the Cyprus problem. On my part, I am doing everything in my power to protect the process of negotiations and to bring it to a positive conclusion. It is important, at the same time, that the United Nations and the international community support these efforts through effective solidarity.

(*Signed*) Demetris **Christofias**
President of the Republic of Cyprus

United Nations A/63/576–S/2008/746

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Implementation of the resolutions of the United Nations

Security Council
Sixty-third year

# Letter dated 27 November 2008 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General

I refer to the letter dated 17 November 2008 addressed to you by the Permanent Representative of the former Yugoslav Republic of Macedonia (A/63/552-S/2008/718) transmitting an aide-memoire from its Ministry of Foreign Affairs relating to its application filed with the International Court of Justice against Greece concerning the implementation of article 11, paragraph 1, of the Interim Accord of 13 September 1995 (S/1995/794, annex I) and wish to submit the following:

By resolution 817 (1993), the Security Council recommended that the former Yugoslav Republic of Macedonia be admitted to the United Nations under the provisional name "the former Yugoslav Republic of Macedonia", pending settlement of the difference that had arisen between the two countries over the name of this State, and emphasized that the issue should be resolved "in the interest of the maintenance of peaceful and good-neighbourly relations in the region". Furthermore, by resolution 845 (1993), the Security Council urged the parties "to continue their efforts under the auspices of the Secretary-General to arrive at a speedy settlement of the remaining issues".

With a view to establishing friendly bilateral relations with the former Yugoslav Republic of Macedonia and reinforcing regional stability and cooperation, Greece signed, on 13 September 1995, an Interim Accord with this country. In this context, and pursuant to the above Security Council resolutions, a process of bilateral negotiations facilitated by the Secretary-General's Personal Representative was established with the aim of reaching a mutually acceptable solution over the name issue (article 5, para. 1, of the Interim Accord).

Greece, throughout this period, has participated constructively in these negotiations, conducted under the efforts of the Personal Representative of the Secretary-General, Matthew Nimetz.

08-62849 (E) 021208

Beginning on 1 November 2007, Mr. Nimetz accelerated his efforts to facilitate the finding of a mutually acceptable solution over the name issue by holding extensive consultations with the two parties on the basis of the relevant Security Council resolutions and the 1995 Interim Accord. In June 2008, Mr. Nimetz presented to the parties a detailed proposal, which the former Yugoslav Republic of Macedonia rejected immediately. Since then, and following further consultations, Mr. Nimetz has presented three versions of his proposal, which have also been rejected by the former Yugoslav Republic of Macedonia. Greece, on its part, has provided Mr. Nimetz with a number of constructive comments and suggestions relating to his various proposals.

Moreover, since July 2008, the former Yugoslav Republic of Macedonia has raised a number of issues totally unrelated to the difference over the name in a clear effort to create confusion over the real issue at hand and to obstruct the process of negotiations under the auspices of the United Nations. These actions were taken with utter disregard for the relevant Security Council resolutions and at the expense of consolidating good-neighbourly relations between the two countries and maintaining peace and stability in the region of South-East Europe.

The present application of the former Yugoslav Republic of Macedonia to the International Court of Justice is yet another attempt by its Government to further obstruct and delay the process of finding a mutually acceptable solution to the difference over its name, despite the recommendations of the above Security Council resolutions and the provisions of the 1995 Interim Accord.

Greece notes with deep regret that the former Yugoslav Republic of Macedonia has for more than 10 years continued to show blatant disrespect for the letter and spirit of the relevant Security Council resolutions, which clearly recommended the use of the above name for all purposes within the United Nations, by using consistently the name which constitutes the object of the difference before United Nations organs, including the International Court of Justice. It has also consistently violated the provisions of the 1995 Interim Accord, which form the very basis of its present application before the International Court of Justice. Nevertheless, the Government of Greece fully intends to exercise its right to present its case to the International Court of Justice.

Notwithstanding the above developments, I would like to take this opportunity to assure you of Greece's commitment to the continuation of the process of negotiations within the framework of the United Nations with the aim of reaching a speedy and mutually acceptable solution over the name issue. I also wish to assure you that Greece, which has consistently participated constructively in these discussions, will continue to do so.

I should be grateful if the present letter were circulated as a document of the General Assembly, under agenda item 109, and of the Security Council.

(*Signed*) John **Mourikis**
Ambassador
Permanent Representative

United Nations A/63/577–S/2008/747

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Agenda item 15
The situation in the Middle East

Security Council
Sixty-third year

# Identical letters dated 26 November 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On the instructions of my Government, I transmit to you herewith a statistical summary of Israeli violations from 1 to 14 November 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

08-62954 (E) 031208 041208

## Annex to the identical letters dated 26 November 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

**Subject: Israeli violations, acts of aggression and other activities from 1 to 14 November 2008**

*Air violations*

On 1 November 2008, between 0700 hours and 2100 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over regions of the South before departing over Alma al-Sha`b.

On 3 November 2008, between 0725 hours and 1400 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre. It circled over Beirut and the South before departing over Rumaysh.

- Between 0958 hours and 1047 hours, four enemy Israeli military aircraft violated Lebanese airspace, entering over Kafr Kila and flying north as far as the Shuf. They circled over regions of the Shuf, the South and Beirut before departing over Alma al-Sha`b.

On 4 November 2008, between 0800 hours and 1600 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over the South before departing over al-Naqurah.

On 5 November 2008, between 1005 hours and 1125 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over Kafr Kila. They circled over all Lebanese regions before departing over Alma al-Sha`b.

On 6 November 2008, between 0700 hours and 1635 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over the South, the western Bekaa and Beirut before departing over al-Naqurah.

On 7 November 2008, between 1100 hours and 2235 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over Beirut and the South before departing over Alma al-Sha`b.

On 8 November 2008, between 1050 hours and 2255 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over regions of the South before departing over al-Naqurah.

On 9 November 2008, between 0700 hours and 2225 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over regions of the South and the Bekaa before departing over Alma al-Sha`b.

- Between 1410 hours and 1445 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over Alma al-Sha`b and flying north as far as Beirut. They circled between Beirut and the southern regions before departing over the sea off al-Naqurah.

- Between 1410 hours and 1500 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over the sea off al-Batrun and flying east as far as Baalbek. They circled over Baalbek-al-Hirmil and then over all Lebanese regions before departing over the sea off al-Naqurah.

*Sea violations*

On 3 November 2008, at 0935 hours and again at 1025 hours, an enemy Israeli military launch located 100 metres south of the line of buoys and 1500 metres off the coast dumped two explosive charges into the water as a warning to two Lebanese fishing vessels located 400 metres north of the line of buoys.

At 1835 hours, an enemy Israeli military launch located 50 metres south of the line of buoys and 500 metres off the coast dumped an explosive charge into the water and then fired a flare to keep away a Lebanese fishing vessel located 100 metres north of the line of buoys.

On 8 November 2008, at 0915 hours, an enemy Israeli launch located 50 metres south of the line of buoys and 400 metres off the coast dumped an explosive charge into the water to keep away a Lebanese national swimming near the coast 100 metres south of the line of buoys.

*Ground violations*

On 4 November 2008, at 2055 hours, units of the Israeli enemy were conducting night-time firing at the position inside occupied Palestinian territory behind the Shaykh Abbad position, five tracer rounds were spotted over the Shaykh Abbad position in the town of al-Habariyah Lebanese territory.

On 6 November 2008 at 1330 hours, a Lebanese herder named Mikhaniyal Muhammad Muhammad, while on Lebanese territory, was suspected, without cause for, as a passage of cows, searched with a shotgun by an enemy Israeli Army soldier from the al-Hunara outpost, inside occupied Palestinian territory opposite the town of al-Wazzani.

On 7 November 2008, at 0811 hours, an enemy Israeli patrol consisting of five Humvee vehicles was passing opposite the Lebanese Army's Ruwaysat al-Hadab position (Ayta al-Sha'b). When they saw a sentry standing at his guard post near a pillbox, four enemy Israeli personnel disembarked from two of the vehicles and took up combat positions, aiming their weapons at the Lebanese Army position, while another aimed a vehicle-mounted MAG machine gun at the sentry. The patrol departed after approximately 12 minutes.

On 8 November 2008, at 2230 hours, the Israeli enemy shone a searchlight for two minutes from its position in al-Labunah in the direction of Lebanese territory above the Lebanese Army's al-Labunah position.

*Other Israeli activities*

On 12 November 2008, between 1000 hours and 1600 hours, inside the occupied Shab'a farmlands, a winch belonging to the Israeli enemy was seen removing a barbed-wire fence from the area surrounding the Radar outpost.

On 13 November 2008, at 0800 hours, the Israeli enemy erected two observation towers between the Shahal and Radar outposts inside the occupied Shab'a farmlands.

On 14 November 2008, at 1100 hours, the Israeli enemy erected a new military position consisting of one observation tower 150 metres south of the Radar position.

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**Question of Cyprus**

**Security Council**
**Sixty-third year**

## Letter dated 28 November 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 28 November 2008, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex), forwarding a letter from Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

08-62936 (E) 041208

## Annex to the letter dated 28 November 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 28 November 2008 addressed to you by Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) M. Kemal **Gökeri**
Representative
Turkish Republic of Northern Cyprus

## Enclosure

I have the honour to refer to the speeches made by Mr. Dimitris Christofias, the Greek Cypriot leader, and Ms. Dora Bakoyannis, the Minister of Foreign Affairs of Greece, during the latest high-level plenary of the United Nations General Assembly, as well as the letter of the Greek Cypriot representative in New York circulated as a United Nations document (A/63/378 of 26 September 2008), and bring to your kind attention the following considerations:

In line with the usual practice adopted by the Greek Cypriot leaders in their statements before the United Nations General Assembly, Mr. Christofias again took advantage of this opportunity to distort the recent history of Cyprus. Throughout the many years following the Greek Cypriot destruction of the 1960 partnership Republic of Cyprus, the Greek Cypriot side has managed to misinform the international community and portray the Cyprus question as one of "invasion" and "occupation". Furthermore, as reflected in Mr. Christofias' speech, the Greek Cypriot side attempts to disguise the fact that there is no Cypriot nation and that Cyprus is the common home of the Greek Cypriot people and Turkish Cypriot people.

The partnership Republic of Cyprus, which was founded in accordance with international treaties, was in fact destroyed in 1963 by the Greek Cypriot partner's onslaught on the Turkish Cypriot partner, and there has not been a joint central administration in the island ever since. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus". Hence, by late December 1963 there was no longer an entity called "Republic of Cyprus" which reflected the 1960 Agreements since one of the partners, namely Turkish Cypriots, were ousted by force of arms from all organs of the State and government.

Just as Mr. Christofias had, Ms. Bakoyannis also distorts the recent history of the island. It is true that there had been an invasion on the island, but this is certainly not the Turkish intervention of 20 July, which is fully legitimate, as Turkey acted in accordance with her obligations under the 1960 Treaty of Guarantee. Rather, it is the Greek Cypriot usurpation of the Government since 1963 and Greek invasion of 15 July when the junta in Athens staged a coup on the island. In a speech before the United Nations Security Council on 19 July 1974, the then Greek Cypriot leader Archbishop Makarios had the following to say:

> "The coup of the Greek junta is an invasion, and from its consequences the whole people of Cyprus suffers, both Greeks and Turks. The Security Council should call upon the military regime of Greece to withdraw from Cyprus the Greek officers serving in the National Guard, and to put an end to its invasion of Cyprus."

When Ms. Bakoyannis talks of Greece having "consistently supported Cyprus in its natural and justified desire to see the withdrawal of all occupation forces as part of a settlement", she equates Cyprus with the Greek Cypriot administration and its people, since the "desire" she talks of reflects the sentiments of the Greek Cypriot side. It is noteworthy to underline in this regard that none of the Security Council resolutions on Cyprus calls for the withdrawal of the Turkish forces from the island. Furthermore, the withdrawal of all foreign troops has never been on the United Nations agenda. As reflected in various United Nations documents, what has

been envisaged hitherto is that in the event of a comprehensive settlement there will be a reduction of Turkish and Greek forces to an agreed level according to a certain timetable. In the absence of a comprehensive settlement, presence of the Turkish forces on the island is a vital security requirement for the Turkish Cypriot people.

In his statement, Mr. Christofias highlights the agreement of 1 July 2008 in which the two leaders agreed, in principle, that there will be "single sovereignty and single citizenship" while excluding the key element of the 23 May 2008 agreement in which the two leaders expressed their commitment to a new "partnership in the form of a bizonal, bicommunal federation with political equality", as defined by relevant Security Council resolutions. On 23 May 2008 the two leaders also agreed that this partnership would have "a Federal Government with a single international personality, as well as a Turkish Cypriot Constituent State and a Greek Cypriot Constituent State, which would be of equal status".

The fact that Mr. Christofias is reneging on his commitment to the framework agreed upon on 23 May 2008 becomes apparent when one considers the Memorandum signed between the Greek Cypriot administration and the United Kingdom on 5 June 2008. I would like to single out one very important issue reflected in the said Memorandum. In the Memorandum, the 23 May 2008 agreement has been partially included and a single sentence, pertaining to the concept of "partnership and the existence of two constituent states of equal status", which the Turkish Cypriot side considers vital, has been omitted. Unfortunately, the same omission has been made in the latest United Nations Security Council resolution on Cyprus (1818 (2008) of 13 June 2008). In doing so, the balance established by the two sides therein, which indeed made it possible to conclude the 23 May 2008 agreement, has been drastically shifted in favour of the Greek Cypriot side.

In a departure from the established United Nations parameters and body of work, the Greek Cypriot representative in New York claims that the peace talks "aim at the evolution of the Republic of Cyprus into a bizonal bicommunal federal state with political equality as set out in relevant United Nations Security Council resolutions". The Greek Cypriot administration thus rejects the "virgin birth" concept, which was central to the Annan Plan, and the long established parameter that a settlement of the Cyprus issue will be in the form of a new partnership between the two sides. A settlement through the evolution or transformation of the "Republic of Cyprus", as prescribed by Mr. Christofias in his opening remarks during the meeting of the two leaders on 3 September 2008, has never been on the agenda. Furthermore, it is noteworthy that in terms of procedure, Mr. Christofias rejects United Nations arbitration or mediation as well as timetables during the negotiations.

The remarks made by Mr. Christofias and Ms. Bakoyannis at the United Nations General Assembly that "Turkey should contribute to the process in a positive way" and that "Turkey [should] also demonstrate flexibility and goodwill toward that end [i.e. a settlement]", respectively, are misleading, since they give the false impression that finding a solution between the two sides on the island is contingent upon steps to be taken by Turkey. As evidenced by its strong support for the Annan Plan, Turkey has always demonstrated a constructive attitude towards finding a comprehensive solution to the Cyprus problem. It should be recalled that it was the Greek Cypriot side who rejected the Annan Plan and again it was the Greek

Cypriot leadership blocking the resumption of the talks until the meeting of 21 March 2008. During this period it was the initiative taken by the Turkish Cypriot leadership that led to the meetings of 8 July 2006 and 5 September 2007 between President Mehmet Ali Talat and former Greek Cypriot leader Mr. Tassos Papadopoulos. Neither of these meetings produced any result on account of the Greek Cypriot rejectionist stance. In the same period, the Action Plan proposed by Turkey on 24 January 2006, which entailed the lifting of the isolation of the Turkish Cypriots in exchange for the opening of Turkish ports to the Greek Cypriot side, was also rejected out of hand by the Greek Cypriot leader. It should also be recalled that it was again as an outcome of calls made myself to the Greek Cypriot leader Mr. Christofias after his election victory that enabled the start of the current process.

In spite of the fact that the Annan Plan provided the Greek Cypriot people with concrete advantages at the expense of the Turkish Cypriots, the Greek Cypriot administration, which rejected the Plan and continues to oppose it even as a basis for further negotiations, still has the audacity to complain about the presence of the Turkish army, the so-called influx of "settlers", the so-called "refugee" problem and other matters. In this regard the United Nations Secretary-General's observation is important:

> "The rejection of such a plan by the Greek Cypriot electorate is a major setback. What was rejected was the solution itself rather than a mere blueprint. Benefits for the Greek Cypriots which have been sought for decades — including the reunification of Cyprus, the return of a large swathe of territory, the return of most displaced persons to their homes (including a majority, some 120,000, under Greek Cypriot administration), the withdrawal of all troops not permitted by international treaties, the halting of further Turkish immigration and (if Greek Cypriot figures are accurate) the return to Turkey of a number of 'settlers' — have been forgone." (The former United Nations Secretary-General's report, dated 28 May 2004, para. 83.)

It becomes imperative to set the record straight, given Mr. Christofias' audacity in making false allegations on issues which would have been resolved had they not rejected the Annan Plan:

1. The refugee problem in Cyprus did not start in 1974 but dates back to 1963. It is an undeniable historical fact which has also been recorded in the relevant reports of the then United Nations Secretary-General to the Security Council that one fourth of the Turkish Cypriot people had been rendered homeless refugees, some of them several times over, as a result of the Greek Cypriot side's attempts to annex Cyprus to Greece. It is true that many Turkish Cypriots as well as Greek Cypriots were displaced in 1974 as a result of the Greek-Greek Cypriot coup and its aftermath. It is equally true, however, that the issue of displaced persons has been fundamentally settled through the Third Vienna Agreement dated 2 August 1975. With this Agreement, the two sides agreed on a voluntary regrouping of populations in their own respective territory, and this voluntary regrouping of populations has been carried out under the supervision of UNFICYP.

2. In every platform, the Greek Cypriot side keeps bringing up the matter of the so-called "settlers". It hardly needs to be stressed that migration of labour and immigration in general are international phenomena affecting all countries, including North Cyprus. It is only natural that the TRNC, like any other country, should regulate the labour force in accordance with its own economic requirements.

At present, the Greek Cypriots continue to admit tens of thousands of immigrants from other countries, particularly from ex-Soviet republics. It has been reported in the Greek Cypriot press of 16 April 2008 that during a press conference held the previous day the Greek Cypriot Minister of the Interior, Neocles Silikiotis, stated that more than 20 per cent of the population in the South is non-Cypriots. (More than 100,000 Greeks, 70,000 Pontus Greeks, 30,000 former Soviet bloc citizens, 15,000 Lebanese and 3,000 Kurds.) The Greek Cypriot daily newspaper *Phileleftheros* of 16 April 2008 reflected the existing situation through the following report:

> "Demographic Problem in [South] Cyprus — one out of every five residents is non-Cypriot".

With its campaign of misinformation, the Greek Cypriot administration purports to provide a smokescreen for the human rights violations perpetrated against the Turkish Cypriot people. The Greek Cypriot representative in New York is claiming that the isolations imposed on the Turkish Cypriot people are a result of the 1974 Turkish intervention. Reports of the United Nations Secretaries-General and of the international press bear testimony to the fact that the inhuman isolations imposed on the Turkish Cypriot people date back to the early sixties. It should be recalled that as early as 10 September 1964, in his report to the United Nations Security Council, the then United Nations Secretary-General described the inhuman restrictions imposed upon the Turkish Cypriot people by the Greek Cypriot authorities, under the usurped title of the "Government of Cyprus", as being so severe that it amounted to a "veritable siege" (United Nations document S/5950).

After 40 years of Turkish Cypriots having been subjected to unjust and inhuman isolations, the former United Nations Secretary-General stated in his report dated 28 May 2004 that:

> "The Turkish Cypriot vote [in the referendum on the Annan Plan] has undone any rationale for pressuring and isolating them. I would hope that the members of the Council can give a strong lead to all States to cooperate both bilaterally and in international bodies, to eliminate unnecessary restrictions and barriers that have the effect of isolating Turkish Cypriots and impeding their development."

The Greek Cypriots continue to construe any step taken by the Turkish Cypriot side or Turkey to overcome the inhuman isolation as a step towards upgrading or seeking recognition of the TRNC. In this regard, we welcome the fact that Your Excellency had the following to say in paragraph 47 of your report on the United Nations operation in Cyprus of 3 December 2007 (S/2007/699):

> "It is regrettable that the ongoing debate on the lifting of the isolation of the Turkish Cypriots has become a debate on recognition ... The maintenance of economic, social, cultural, sporting or similar ties or contacts does not amount to recognition. On the contrary, it will benefit all Cypriots by building trust, creating a more even playing field and thus greatly contributing to the reunification of the island. It is therefore important for all actors concerned to reframe the debate and their actions with a view to achieving this crucial objective in conformity with Security Council resolutions."

More recently, in its resolution 1628 of 1 October 2008, the Parliamentary Assembly of the Council of Europe called upon the Greek Cypriot administration to

"lift objections to the adoption of the Council of the European Union's Direct Trade Regulation put forward by the European Commission allowing free direct trade between Turkish Cypriots and the EU through their own ports". As you must be aware, the Greek Cypriot side has been blocking the implementation of the Direct Trade Regulation since 2004.

In the aforementioned letter, the Greek Cypriot representative in New York claims that the per capita income in the Turkish Republic of Northern Cyprus which "now stands at US$ 12,000, [is] hardly reminiscent of any isolation". The fact that the GNP per capita is US$ 12,000 in North Cyprus does not disprove the reality of isolation, since the GNP per capita in South Cyprus is almost double that amount. Had it not been for the isolation which prevents Turkish Cypriots from realizing their full potential, there is no doubt that there would not have been such a disparity between the two economies of this small island and the GNP per capita in North Cyprus would be on a par with that of South Cyprus.

Finally, I wish to express that the Turkish Cypriot side remains as committed as ever to finding a comprehensive settlement to the Cyprus problem in the shortest possible time under the good offices mission of Your Excellency and on the basis of established United Nations parameters and the United Nations body of work. As the Turkish Cypriot side, we will do the utmost to further the current process aimed at resolving the Cyprus dispute and trust that the Greek Cypriot side will approach the talks in the same spirit.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Mehmet Ali **Talat**
President

United Nations A/63/579 S/2008/750

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Agenda item 21
**Question of Cyprus**

**Security Council**
**Sixty-third year**

## Letter dated 28 November 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 28 November 2008, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

08-62942 (E) 041208

## Annex to the letter dated 28 November 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to the statement made to the Third Committee at the sixty-third session of the General Assembly on agenda item 64 (b), "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", by Mr. Minas A. Hadjimichael, Representative of the Greek Cypriot Administration of Southern Cyprus in New York. Since the Greek Cypriot side is habitually utilizing every opportunity to distort facts pertaining to the question of Cyprus in every international forum where the Turkish Cypriot side is denied lawful representation, I am compelled to respond, once again, in writing in order to put the record straight.

Throughout the many years following the Greek Cypriot destruction of the 1960 partnership Republic of Cyprus, the Greek Cypriot side has managed to misinform the international community and to portray the Cyprus problem as one of "invasion" and "occupation", while disguising the torment and unjust isolation inflicted on the Turkish Cypriot people. The restrictions imposed by the Greek Cypriot side violating the basic human rights of Turkish Cypriots in various fields, such as the rights to freely trade and travel, participate in worldwide sports, cultural events and educational schemes, such as the Bologna Process, are continuing and efforts to rectify this situation by various parties are still impeded by the Greek Cypriot side.

None of the United Nations resolutions to which reference is made in the above-mentioned statement describes the legitimate and justified Turkish intervention of 1974, undertaken in accordance with the Treaty of Guarantee of 1960, as "aggression" or "invasion", or the subsequent presence of Turkish troops on the island as "occupation". Such distortions are purely a Greek Cypriot invention aimed at blurring the issue and confusing the innocent with the guilty. On this point, I would only like to recall the dramatic statement made by Archbishop Makarios, the Greek Cypriot leader at the time, before the Security Council on 19 July 1974 (see S/PV.1780), in which he openly accused Greece, not Turkey, of invading and occupying Cyprus. His remarks, which came only four days after the Greek coup of 15 July 1974, are well recorded in the annals of the United Nations and hardly require further elaboration.

The years from 1963 to 1974, which the Greek Cypriot Representative intentionally chooses not to mention, were a period in which the Greek Cypriots, aided and abetted by Greece, practised ethnic cleansing, terrorism and tyranny against the Turkish Cypriots, all in the name of enosis (annexation of the island to Greece). The atrocities committed by the Greek Cypriots during that period drew comments from the international news media, such as *The Washington Post*, which reported in its issue of 17 February 1964 that "Greek Cypriot fanatics appear bent on a policy of genocide"; from prominent statesmen like George Ball, the United States Under-Secretary of State at the time, who wrote in his memoirs, entitled *The Past Has Another Pattern* (p. 64), that "Makarios's central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring Turkish Cypriots"; and from the United Nations Secretary-General himself, who, in his report to the Security Council of 10 September 1964, stated that the Turkish Cypriots were living under "veritable siege" (see S/5950, para. 222).

The attempt by Greek Cypriot officials to brush aside the 11-year-long ordeal of the Turkish Cypriots is, to say the least, outrageous. It shows their total insincerity and refusal to show any sign of remorse or an attitude conducive to reconciliation.

As you would recall, the most recent effort, namely the Annan Plan, failed yet again as a result of the Greek Cypriot rejection. The Plan was submitted for the approval of the two sides through separate referendums on 24 April 2004. Despite the significant sacrifices it entailed for the Turkish Cypriot side, the Turkish Cypriot people approved the Plan by 65 per cent of the vote, whereas 76 per cent of the Greek Cypriot people overwhelmingly rejected the Plan in line with the call made by the then Greek Cypriot leader, Tassos Papadopoulos, in a television address on 7 April 2004, in which he demanded a "resounding no" from the Greek Cypriots. Consequently, the Greek Cypriot side, which voted against a solution, joined the European Union on behalf of the whole of Cyprus, and the Turkish Cypriot side, which voted for a settlement, not only remained outside EU but continues to be subjected to isolation and restrictions. In fact, the former Secretary-General of the United Nations, in his report to the Security Council of 28 May 2004 (S/2004/437, para. 90), pointed to this injustice and declared that the Turkish Cypriot "vote has undone whatever rationale might have existed for pressuring and isolating them".

In spite of the fact that the Annan Plan provided the Greek Cypriot people with concrete advantages at the expense of the Turkish Cypriots, the Greek Cypriot Administration, which chose to categorically reject the Plan, still has the audacity to complain about the so-called "violation of human rights concerning the property issue", the "Turkish military presence on the island" and other matters. In this regard the Secretary-General's observation is important:

> "The rejection of such a plan by the Greek Cypriot electorate is a major setback. What was rejected was the solution itself rather than a mere blueprint. Benefits for the Greek Cypriots which have been sought for decades — including the reunification of Cyprus, the return of a large swathe of territory, the return of most displaced persons to their homes (including a majority, some 120,000, under Greek Cypriot administration), the withdrawal of all troops not permitted by international treaties, the halting of further Turkish immigration and (if Greek Cypriot figures are accurate) the return to Turkey of a number of 'settlers' — have been forgone."
>
> (Secretary-General's report of 28 May 2004, S/2004/437, para. 83)

Contrary to the Greek Cypriot Representative's allegations, the history of human rights violations in Cyprus goes back a long time. Parallel to that, the issue of "refugees" or displaced persons came about when one fourth of the Turkish Cypriot population was rendered homeless as from December 1963, when they had to flee for their lives as a result of the Greek Cypriot onslaught. It is true that many Turkish Cypriots as well as Greek Cypriots were displaced in 1974 as a result of the Greek coup d'etat and its aftermath. It is equally true, however, that the question of displaced persons was settled through the Voluntary Exchange of Populations Agreement reached between the two sides at the third round of talks, held at Vienna in 1975. The Agreement was implemented under the supervision of the United Nations Peacekeeping Force in Cyprus.

With respect to the so-called "enclaves" in the Turkish Republic of Northern Cyprus, I wish to recall that the term "enclaved" was first used by the Secretary-General of the United Nations to describe the plight of the Turkish Cypriots between

1963 and 1974, who had been squeezed by the Greek Cypriots into small pockets scattered around the island. The total area of the Turkish Cypriot enclaves was a mere 3 per cent of the territory of the island. Since 1974, the Greek Cypriot side has attempted to hijack this term to misrepresent the living conditions of the Greek Cypriots and Maronites residing in the Turkish Republic of Northern Cyprus, for purely propaganda purposes.

One should note that the Greek Cypriots and Maronites enjoy the same, if not better, standard of living as the Turkish Cypriots of the same area. This has been confirmed in your predecessor's report of 10 June 1998 to the Security Council (S/1998/488, para. 22), wherein it is stated that "the standard of living of Greek Cypriots on the Karpas Peninsula does not differ significantly from that of Turkish Cypriots living in the same area".

The policy followed by the Greek Cypriot side since 1963 with regard to the issue of missing persons in Cyprus has been all too often politically motivated and, unfortunately, devoid of humanitarian considerations.

Until the events of 1974, the Greek Cypriot side maintained that no problem of missing persons existed in Cyprus, even though the list of Turkish Cypriots reported by their families as missing have been traced in the Greek Cypriot police records for 1964. Between the years of 1963-1974, around 502 Turkish Cypriots went missing after being abducted or detained by armed elements of the Greek Cypriot Administration. All of them were innocent civilians, one fourth comprising women and children, who were abducted from their homes, work places, hospitals or roads and who were then murdered and thrown into mass graves. I regret that this humanitarian issue is presented as if it is only affecting the Greek Cypriot side.

As the Greek Cypriot English language daily newspaper, the *Cyprus Mail*, commented in its editorial of 7 November 1999:

> "The deliberate state (Greek Cypriot) policy saw the issue of the missing as a propaganda tool against Turkey — the higher the number the more effective the propaganda was the prevailing view. The black-clad mothers clasping pictures of their loved ones gave added dramatic effect to anti-occupation demonstrations. No one seemed to feel any pressure to try to resolve a single case, with officialdom and the politicians always blaming the uncooperative Turks for the lack of progress. But then it was our side which always used the issue for propaganda purposes, while at the same time maintaining that it was a humanitarian matter.
>
> "The sad thing is that everyone — politicians, government bureaucrats, and the press — callously exploited the issue for their own reasons."

The Greek Cypriot strategy of holding Turkey responsible on the issue of missing persons demonstrates the insincerity of the Greek Cypriot side and is indicative of why the Committee on Missing Persons (CMP) has been rendered inactive for many years. The CMP was established in 1981 by the United Nations as a tripartite committee composed of a Turkish Cypriot, a Greek Cypriot and a third member appointed by the United Nations Secretary-General, to address this humanitarian problem. As such, it must be evident that Turkey is not a party to the issue of missing persons in Cyprus, but fully supports the work of the CMP as it equally desires the resolution of this humanitarian issue.

It should be stressed that the resumption of the activities of the CMP in August 2004 came about as a result of the constructive initiative of the Turkish Cypriot side. Furthermore, I would like to remind you that considerable progress has been achieved ever since the reactivation of the Committee. In this context, requests to provide information on the missing persons of both sides have been published in the Turkish Cypriot and the Greek Cypriot newspapers; the CMP itself set the objective of bringing to a closure, as soon as possible, the remaining investigative work on both sides on the basis of an agreed and comprehensive timetable; new burial sites have since been and continue to be identified; excavations have been conducted on both the Turkish Cypriot and the Greek Cypriot sides; an anthropological laboratory was established in the buffer zone for the analysis of the recovered remains; the recovered remains have also been put through a DNA identification process; the process of return of the remains of the Turkish Cypriot and the Greek Cypriot missing persons started in the second quarter of 2007 and to date 412 individuals have been exhumed from different burial sites located across the island.

While the Security Council welcomes, in its resolution 1818 (2008) of 13 June 2008, "the progress and continuation of the important activities of the Committee on Missing Persons; expressing the hope that this process will promote reconciliation between the communities", insistence by the Greek/Greek Cypriot duo that this issue cannot be merely settled within the scope of the CMP shows their insincerity and the fact that their aim in reality is to politicize this humanitarian issue.

One of the most fundamental issues in the Cyprus question is the property issue. The property issue in Cyprus did not come about in 1974 but first arose in 1963, when the Turkish Cypriots were forced to abandon their homes at gunpoint and took refuge in what came to be known as "Turkish Cypriot enclaves". It should be stressed that it is not only the Greek Cypriots who left immovable property in the North but also the Turkish Cypriots who had to abandon a considerable amount of property in the South as well, most of which was confiscated by the Greek Cypriot Administration, leaving no possibility for restitution and/or compensation for the Turkish Cypriots for the use and enjoyment of their properties. Instead of seeking to resolve the issue with the Turkish Cypriot side in accordance with established parameters, the Greek Cypriot side has over the years encouraged recourse to the European Court of Human Rights in a bid to carry the issue to the European platform. As in the case of *Apostolides v. Orams*, the Greek Cypriot side's unilateral accession to the European Union has presented it with the opportunity to further complicating the issue of property rights by encouraging recourse to courts in the South against those buying or selling property in the North. Given the fact that the Greek Cypriot side does not have jurisdiction over the Turkish Cypriot side, it is clear that judgements issued by the Greek Cypriot courts cannot be executed in the North.

In the absence of cooperation from the Greek Cypriot side, since June 2003 the Turkish Cypriot side has been taking unilateral steps aimed at providing domestic legal remedies to the concerned parties. In this connection, taking into account the admissibility decision of the European Court of Human Rights of 14 March 2005 and its judgement of 22 December 2005 on the merits of the *Xenides-Arestis v. Turkey* application, the law entitled "Law for the Compensation, Exchange and Restitution of Immovable Properties (Law No. 67/2005)" was enacted in North Cyprus in December 2005. This law envisages compensation, exchange and restitution for movable and immovable properties located within the boundaries of

the Turkish Republic of Northern Cyprus which were possessed by the Greek Cypriots before 1974 and were abandoned thereafter. In accordance with this legislation, the Immovable Property Commission (IPC) was established on 22 March 2006, the mechanism of which is entirely based on the comprehensive guidelines suggested by the European Court of Human Rights. The Commission, which comprises seven members, two of whom are internationally renowned personalities of non-Turkish descent, has the status of a court and its decisions are binding and implemented just as the decisions of the judiciary.

It must be noted in this context that the reaction of the Greek Cypriot Administration to the establishment of the IPC has not been encouraging; it has threatened to take legal action against potential applicants. Sadly, the Greek Cypriot authorities are attempting to undermine an effective legal instrument which conforms fully to relevant international norms. Most recently, in the *Turkey Progress Report* dated 6 November 2007, the European Commission confirmed that the IPC established by the Turkish Cypriot side is a legitimate domestic remedy. Despite the efforts of the Greek Cypriot Administration to discourage its people from applying to the Commission, through such means as disclosing the names of the Greek Cypriot applicants in the press under a list entitled "shame list", the number of the Greek Cypriot applicants has already reached 342 so far and 38 of the cases have been concluded through friendly settlement on the basis of different remedies to date.

The often repeated allegations about the demographic structure in North Cyprus are totally unfounded and are part of the Greek Cypriot propaganda aimed at exploiting this issue for political purposes. It is true that a limited number of immigrant workers arrived from Turkey and also from other countries, as a necessary measure in the face of a labour shortage after 1974. In accordance with the relevant legislation in the TRNC, which is in fact identical to the legislation in South Cyprus and in accordance with established international principles on the matter, some of these people have been granted citizenship after five years of residence.

It hardly needs to be stressed that migration of labour and immigration in general are international phenomena affecting all countries, including North Cyprus. It is only natural that the TRNC, like any other country, should regulate the labour force in accordance with its own economic requirements. It is also important to note that the number of people who have resettled in the North since 1974 is very small compared to the thousands of Greek mainlanders who have been settled in Cyprus over the years since 1963 and the thousands of immigrants, mainly from the Middle East countries, who have come to Southern Cyprus since 1974. In fact, it is the Greek Cypriot side which has always attempted to alter the demographic character of Cyprus, not only by introducing thousands of soldiers and settlers from Greece but also by trying to "cleanse" Cyprus of its ethnic Turkish population.

It is ironic that while accusing the Turkish Cypriot side of changing the demographic structure of the North, at present, the Greek Cypriot Administration continues to admit to South Cyprus tens of thousands of immigrants from other countries, particularly from ex-Soviet republics. It has been reported in the Greek Cypriot press of 16 April 2008 that during a press conference held the previous day the Greek Cypriot Minister of the Interior Neocles Silikiotis had stated that more than 20 per cent of the population in the South were non-Cypriots. (More than

100,000 Greeks, 70,000 Pontus Greeks, 30,000 former Soviet bloc citizens, 15,000 Lebanese and 3,000 Kurds.) The Greek Cypriot daily newspaper *Phileleftheros* of 16 April 2008 reflected the existing situation through the following report: "Demographic Problem in [South] Cyprus — one out of every five residents is non-Cypriot".

Furthermore, on 30 April 2006, a population and housing census was held in the TRNC. In order to ensure the appropriateness of the census to international norms and definitions, it was held in accordance with the recommendations set out in the document entitled "Conference of European Statisticians Recommendations for the 2010 Census of Population and Housing". Prior to the census being conducted, the State Planning Organization of the TRNC briefed all the foreign missions in Cyprus, as well as the EU and the United Nations, about the methodology. Contrary to the distortions of the demographic structure of North Cyprus by the Greek Cypriot Administration concerning the origins of the TRNC citizens, census results clearly reveal that the vast majority of the TRNC citizens are of Turkish Cypriot origin.

As regards the well-known allegation of "destruction of cultural property", I would like to reiterate once again that the protection of cultural heritage is of great importance to the Turkish Cypriot people, and the Turkish Cypriot authorities are doing everything within their limited means for the restoration and preservation of the cultural wealth in the North. No doubt much more could be done with international financial support. It is a sad irony that the Turkish Cypriot people are heavily criticized for not taking sufficient care of the cultural heritage in the North, when international organizations or private bodies entrusted with financial assistance in this field have been prevented by the Greek Cypriot Administration from taking an interest in or providing assistance to the North. The protection of cultural heritage should not be held hostage by the political situation on the island, for which Turkish Cypriots cannot be held responsible. Furthermore, it should be recalled that there are many Turkish-Muslim cultural monuments, including mosques, baths, fountains and cemeteries, in the Greek Cypriot side that are in very bad condition owing to rough handling, negligence and wilful destruction.

It is a pleasing development that one of the technical committees established as part of the current negotiation process in Cyprus is on cultural heritage. As is known, the Turkish Cypriot side and the Greek Cypriot side have agreed to establish a mechanism for the protection and renovation of the cultural heritage on both sides of the island. The two sides are searching for modalities to address this issue, and bringing this mechanism to life as soon as possible surely would not only benefit Turkish Cypriots and Greek Cypriots on the island, but humanity as a whole.

I do not wish to dwell on the latest developments regarding the full-fledged negotiations ongoing under Your Excellency's good-offices mission, the aim of which is to reach a comprehensive settlement of the Cyprus issue on the basis of the United Nations-established parameters and body of work. However, I am obliged to express our disappointment regarding the Greek Cypriot leadership's attempt to alter the existing parameters and prejudge the outcome of a settlement by signing a memorandum and issuing a joint declaration with the United Kingdom and the Russian Federation, respectively. Unfortunately, provocative actions by the Greek Cypriot Administration which call into question their sincerity at the negotiation table continue. A case in point is the seismic research activities conducted due

south-west of the island by foreign companies on behalf of the Greek Cypriot Administration. It must be clear that the unilateral delimitation of maritime jurisdiction areas in the Eastern Mediterranean by the Greek Cypriot Administration is totally unacceptable to the Turkish side. It is an established rule that maritime delimitation in a semi-enclosed sea like the Eastern Mediterranean could only be effected by agreement, with the consent of all parties concerned and by respecting their mutual rights.

In conclusion I would like to reiterate that despite the intransigent stance of the Greek Cypriot side, the Turkish Cypriot side will continue to do its utmost to reach a comprehensive settlement on the Cyprus issue on the basis of the United Nations-established parameters and body of work.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) M. Kemal **Gökeri**
Representative
Turkish Republic of Northern Cyprus

United Nations A/63/580

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New Partnership for Africa's Development: progress in implementation and international support: causes of conflict and the promotion of durable peace and sustainable development in Africa

Oceans and the law of the sea

## Letter dated 26 November 2008 from the Permanent Representatives of Egypt and Yemen to the United Nations addressed to the President of the General Assembly

We have the pleasure to bring to your attention the fact that Egypt and Yemen, out of their grave concern over the threats posed by piracy and armed robbery at sea off the coast of Somalia, organized a consultations meeting in Cairo on 20 November 2008 to address this important issue.

The meeting was co-chaired by Egypt and Yemen, and was attended by the Arab coastal countries of the Red Sea, namely Saudi Arabia, Jordan, the Sudan and Djibouti, and by representatives of the Somali Transitional Federal Government and the League of Arab States. Participants exchanged views on the reasons behind the escalation of piracy and armed robbery actions off the coast of Somalia, including their legal, political, security and economic aspects. They reiterated their determination to increase the coordination among their countries and, in close cooperation with the Arab, African and international efforts, to effectively address this problem, in order to prevent its adverse effect on the freedom of maritime navigation in the Red Sea.

We have the pleasure to attach herewith the communique issued by the meeting (see annex), expressing the views and positions of the participating Governments and organizations on combating piracy and armed robbery off the coast of Somalia and the efforts being undertaken in this regard.

08-62986 (E) 041208 051208

We would appreciate the circulation of the present letter and its annex as a document of the General Assembly, under agenda items 57 (b) and 70 (a).

(*Signed*) Maged **Abdelaziz**
Ambassador
Permanent Representative of Egypt to the United Nations

(*Signed*) Abdullah M. **Alsaidi**
Ambassador
Permanent Representative of Yemen to the United Nations

**Annex to the letter dated 26 November 2008 from the Permanent Representatives of Egypt and Yemen to the United Nations addressed to the President of the General Assembly**

[Original: Arabic]

## Concluding statement

### Consultative meeting of Arab States bordering the Red Sea concerning piracy off the coast of Somalia and the means to combat it

At the initiative of the Government of Egypt, the Arab States bordering the Red Sea (Saudi Arabia, Jordan, the Sudan, Egypt, Djibouti and Yemen) held a high-level consultative meeting in Cairo on 20 November 2008, chaired jointly by Egypt and Yemen and attended by the Somali Transitional Government and the League of Arab States. The meeting addressed piracy and armed robbery off the coast of Somalia, and regional and international efforts to combat that problem.

The meeting sought to reach a common understanding of the causes of the escalation of piracy off the coast of Somalia; to define the geographic area affected and the legal, political, economic and security dimensions involved; and to coordinate the positions of the Arab States bordering the Red Sea concerning the means of addressing the problem, limiting its repercussions, and preventing its spread and the resulting negative impact on Red Sea navigation.

The participants stressed the following points:

1. The sovereignty, unity, independence and territorial integrity of Somalia should be respected. Piracy off the Somali coast is a consequence of the deteriorating political, humanitarian and security situation in that country. The participants welcomed the efforts of the United Nations and other regional and international efforts to promote comprehensive national reconciliation in Somalia.

2. The participants condemned unreservedly all acts of piracy and armed robbery whether within Somali territorial waters or on the high seas off the Somali coast. In particular, they deplored the hijacking of a Saudi oil tanker on 19 November 2008.

3. The Arab States bordering the Red Sea expressed their concern at the escalation of piracy off the Somali coast, in the western Indian Ocean and in the Gulf of Aden. They were determined to strengthen cooperation and mutual consultation in order to combat that trend and prevent it from spreading to the Red Sea.

4. The Arab States bordering the Red Sea bear primary responsibility for ensuring the safety of navigation and confronting any threats to it. It was important that those States should be consulted on any procedures under consideration in international waters adjacent to their territorial waters.

5. The participants supported regional and international efforts to combat piracy. Such efforts should, however, be in keeping with the relevant principles of international law and should respect the sovereignty of all States over their territory.

and territorial waters, taking into consideration the short-term nature of the existing security measures and their fundamental connection to the political and security situation in Somalia. In accordance with Security Council resolutions 1816 (2008) and 1838 (2008), such measures should not constitute a precedent, whether in law or in practice.

6. The participants stressed the need to strengthen Arab-African anti-piracy cooperation, and in particular cooperation between States bordering the Red Sea.

7. The participants recommended the establishment of joint bodies composed of Arab States bordering the Red Sea, in order to promote safe and secure navigation in the Red Sea and prevent the potential spread of piracy to that area. Specialized military, legal, technical and economic committees should be convened as soon as possible to make recommendations towards that end.

8. The Arab States bordering the Red Sea should ensure that they have the capacity within their territorial waters to monitor, investigate and confront any attempt on the part of pirates to enter the Red Sea, whether to engage in piracy or to escape confrontation with anti-piracy vessels in the western Indian Ocean or the Gulf of Aden.

9. The Arab States bordering the Red Sea are open to dialogue with the parties that have put forward anti-piracy initiatives and to consultations on such initiatives and on related regional and international arrangements in the western Indian Ocean region and the Gulf of Aden.

10. It is important to coordinate the positions of Arab States bordering the Red Sea in international and regional forums addressing and combating piracy. The Arab States should liaise through the General Secretariat of the League of Arab States in order to build a comprehensive Arab position on piracy and the means of combating it at the regional and international levels. The participants reaffirmed the substance of the report of the Arab Peace and Security Council held on 4 November 2008 and welcomed Yemen's offer to host a consultative meeting of Arab States bordering the Red Sea in the context of the preparations for the forthcoming high-level meeting of the International Maritime Organization in Djibouti in January 2009.

11. In view of the importance of coordinating efforts to combat piracy and armed robbery at sea, it might be possible to draw on the work of the regional coordination and information exchange centre to be established in Yemen within the framework of the International Maritime Organization.

12. The participants welcomed all international initiatives to provide technical or material support for anti-piracy capacity-building in Arab States bordering the Red Sea, as necessary and in accordance with the wishes of each State.

Done at Cairo, Friday, 20 November 2008.